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- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
•San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies
-

AGENDA
Board of Directors Meeting
April 4, 2007

******Start Time: 9:30 a.m. (Closed Session)******

******Convene Regular Meeting 10:00 A.M.******

LOCATION

San Bernardino Associated Governments
Santa Fe Depot - SANBAG Lobby 1st Floor
1170 W. 3rd Street, San Bernardino, CA

Board of Directors

President

Dennis Hansberger, Supervisor,
County of San Bernardino

Vice-President

Lawrence Dale, Mayor
City of Barstow

Jim Nehmens, Mayor
City of Adelanto

Rick Roelle, Mayor
Town of Apple Valley

Bill Jahn, Mayor
City of Big Bear Lake

Dennis Yates, Mayor
City of Chino

Gwenn Norton-Perry, Mayor
City of Chino Hills

Kelly Chastain, Mayor
City of Colton

Mark Nuaimi, Mayor
City of Fontana

Bea Cortes, Council Member
City of Grand Terrace

Mike Leonard, Mayor Pro Tem
City of Hesperia

Larry McCallon, Council Member
City of Highland

Robert Christman, Mayor
City of Loma Linda

Paul Eaton, Mayor
City of Montclair

Rebecca Valentine, Council Member
City of Needles

Paul Leon, Mayor
City of Ontario

Diane Williams, Mayor Pro Tem
City of Rancho Cucamonga

Patricia Gilbreath, Mayor Pro Tem
City of Redlands

Grace Vargas, Mayor
City of Rialto

Patrick Morris, Mayor
City of San Bernardino

Kevin Cole, Council Member
City of Twentynine Palms

John Pomierski, Mayor
City of Upland

Mike Rothschild, Council Member
City of Victorville

Richard Riddell, Mayor
City of Yucaipa

Chad Mayes, Council Member
Town of Yucca Valley

Paul Biane, Supervisor
County of San Bernardino

Brad Mitzelfelt, Supervisor
County of San Bernardino

Josie Gonzales, Supervisor
County of San Bernardino

Gary Ovitt, Supervisor
County of San Bernardino

Michael Perovich, Caltrans
Ex-Officio Member

Tony Grasso
Executive Director

San Bernardino Associated Governments (SANBAG) is a council of governments formed in 1973 by joint powers agreement of the cities and the County of San Bernardino. SANBAG is governed by a Board of Directors consisting of a mayor or designated council member from each of the twenty-four cities in San Bernardino County and the five members of the San Bernardino County Board of Supervisors.

In addition to SANBAG, the composition of the SANBAG Board of Directors also serves as the governing board for several separate legal entities listed below:

The San Bernardino County Transportation Commission, which is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital development projects for public transit and highway projects, and determination of staging and scheduling of construction relative to all transportation improvement projects in the Transportation Improvement Program.

The San Bernardino County Transportation Authority, which is responsible for administration of the voter-approved half-cent transportation transactions and use tax levied in the County of San Bernardino.

The Service Authority for Freeway Emergencies, which is responsible for the administration and operation of a motorist aid system of call boxes on State freeways and highways within San Bernardino County.

The Congestion Management Agency, which analyzes the performance level of the regional transportation system in a manner which ensures consideration of the impacts from new development and promotes air quality through implementation of strategies in the adopted air quality plans.

As a Subregional Planning Agency, SANBAG represents the San Bernardino County subregion and assists the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.

Items which appear on the monthly Board of Directors agenda are subjects of one or more of the listed legal authorities. For ease of understanding and timeliness, the agenda items for all of these entities are consolidated on one agenda. Documents contained in the agenda package are clearly marked with the appropriate legal entity.

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
County Congestion Management Agency
Service Authority for Freeway Emergencies**

Board of Directors

AGENDA

April 4, 2007

**9:30 a.m. Convene meeting of the Board of Directors
1170 W. 3rd Street, 2nd Floor (the Super Chief), San Bernardino
CLOSED SESSION**

CONFERENCE WITH LABOR NEGOTIATOR
(GOVERNMENT CODE SECTION 54957.6)
Conference with labor negotiator Tony Grasso
regarding unrepresented employees.

PUBLIC EMPLOYEE EVALUATION
(GOVERNMENT CODE SECTION 54957)
Public Employee Evaluation for the position of Executive Director

CONFERENCE WITH LABOR NEGOTIATOR
(GOVERNMENT CODE SECTION 54957.6)
Conference Labor Negotiator Dennis Hansberger regarding unrepresented position of
Executive Director

*******CONVENE REGULAR MEETING 10:00 A.M.*******

**Santa Fe Depot
SANBAG Lobby, 1st Floor
1170 W. 3rd Street, San Bernardino**

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional meeting procedures and agenda explanations are attached to the end of this agenda.

Call to Order - 9:30 a.m.
(Meeting chaired by Dennis Hansberger)

- I. Pledge of Allegiance
- II. Attendance
- III. Announcements
 - Calendar of Events (Pg. 12)
- IV. Agenda Notices/Modifications – Vicki Watson

1. **Possible Conflict of Interest Issues for the Board Meeting of April 4, 2007.** Pg. 13

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

Consent Calendar

Consent Calendar items shall be adopted by a single vote unless removed by Board member request. Items pulled from the consent calendar will be brought up under Agenda Item 35.

Administrative Matters

2. **Board of Directors Attendance Roster** Pg. 15

3. **Procurement Report for February 2007** Pg. 19

Receive Monthly Procurement Report. **Terrence J. McGuire**

This item was reviewed and unanimously received by the Administrative Committee on March 14, 2007. (Meeting chaired by Lawrence Dale)

4. **Request for Proposal (RFP) for Auditing Services** Pg. 20

Ratify Administrative Committee authorization and approval to release RFP 07-181 for SANBAG Auditing Services. **Terrence J. McGuire**

This item was reviewed by the Administrative Committee on February 14, 2007 and unanimously recommended for approval. (Meeting chaired by Lawrence Dale)

Regional & Quality of Life Programs

5. **Funding Agreement with Riverside County Transportation Commission (RCTC), Orange County Transportation Authority (OCTA), Los Angeles County Metropolitan Transportation Authority (LACMTA) to provide the local match for a Caltrans Environmental Justice Context Sensitive Planning Grant** Pg. 32

1. Approve Contract No. 07207 with RCTC, OCTA, LACMTA to provide \$6,000 in local match for a Caltrans Environmental Justice Context Sensitive Planning Grant.

2. Approve budget amendment to the SANBAG 2006/07 fiscal year budget to increase Task No. 11107000, Freight Movement, for the Environmental Goods Movement Funding Agreement by \$6,000, as detailed in the Financial Impact Section. **Ryan Graham**

This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on March 21, 2007. This item has been submitted for review by Counsel. (Meeting chaired by Paul Eaton)

Consent Calendar Continued....

Regional & Quality of Life Programs (Cont.)

- 6 **Update on goods movement initiatives affecting San Bernardino County** Pg. 44

1) Receive report on status of the Multi-County Goods Movement Action Plan, air quality implications of goods movement strategies, status of goods movement initiatives with state and federal agencies, and status of potential projects to be considered for allocations from the Trade Corridor Improvement Fund under Proposition 1B.

2) Adopt the “reversible managed lane” alternative for purposes of near-term project development guidance for interchanges along Interstate 15. **Ty Schuiling**

This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on March 21, 2007. (Meeting chaired by Paul Eaton)

Subregional Transportation Planning & Programming

7. **Victor Valley Area Transportation Study (VVATS)** Pg. 48

Receive Report on the Progress of the Victor Valley Area Transportation Study. **Ryan Graham**

This item was reviewed by the Mountain/Desert Committee on March 16, 2007. (Meeting chaired by Rick Roelle)

8. **Two Mile Road Overlay and Widening Project** Pg. 60

Note presentation on the Two Mile Road Overlay and Widening Project. **Ryan Graham**

This item was reviewed by the Mountain/Desert Committee on March 16, 2007. (Meeting chaired by Rick Roelle)

9. **Morongo Basin Work Trip Travel Patterns** Pg. 66

Receive a Report on the Work Trip Travel Patterns for Workers Residing in the Morongo Basin and Commuting through the SR-62 Pass. **Ryan Graham**

This item was reviewed by the Mountain/Desert Committee on March 16, 2007. (Meeting chaired by Rick Roelle)

Consent Calendar Continued....

Subregional Transportation Planning & Programming (Cont.)

10. **US-395 Realignment Project Status Report** Pg. 69
Receive report on activities related to the realignment of US-395.
Ryan Graham/Steve Smith
This item was reviewed by the Mountain/Desert Committee on March 16, 2007 (Meeting Chaired by Rick Roelle)
11. **City of Rialto Project Advancement Agreement** Pg. 78
1. Approve Project Advancement Cooperative Agreement C07170 with the City of Rialto for the I-10/Riverside Avenue Interchange Project with an extended construction start date of January 1, 2009.
2. Direct staff to work with local jurisdictions with existing project advancement agreements to afford the opportunity to extend the construction start date to January 1, 2009 **Andrea Zureick**
This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on March 21, 2007. This agreement has been reviewed by Counsel. (Meeting chaired by Paul Eaton)
12. **Congestion Management Program (CMP) Monitoring Requirements** Pg. 91
Approve recommended changes to the CMP Monitoring Requirements **Ryan Graham**
This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on March 21, 2007. (Meeting chaired by Paul Eaton)
13. **Measure I 2010-2040 Strategic Plan Policies on the Valley Freeway Interchange Program** Pg. 93
Updated information on draft Measure I 2010-2040 Strategic Plan Policies on the Valley Freeway Interchange Program.
Andrea Zureick
This item was reviewed by the Plans and Programs Policy Committee on March 21, 2007. (Meeting chaired by Paul Eaton)

Consent Calendar Continued....

Project Development

14. **Colton Crossing – Contract No. C07204 between State of California Department of Transportation (State) and San Bernardino Associated Governments (SANBAG)** Pg. 111

Approve Contract No. C07204 establishing the working relationship between the State and SANBAG (the parties) and the management framework for the use of \$2.2 million of Interregional Transportation Improvement Program (ITIP) funds for the Colton Crossing Project (project). **Darren Kettle**

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on March 15, 2007. (Meeting chaired by Grace Vargas)

15. **Authorize the Request for Qualifications (RFQ) for the preparation of Plans, Specifications, and Estimate (PS&E) for I-10 Westbound Lane Addition** Pg. 125

Authorize staff to release RFQ No. C08002 for the I-10 Westbound Lane Addition PS&E. **Darren Kettle**

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on March 15, 2007. (Meeting chaired by Grace Vargas)

16. **Professional Services Amendment No. 2 to Agreement No. 06-018 with Peckar and Abramson for legal services for Route 71 Landscape Project litigation** Pg. 138

Approve Amendment No. 2 to Agreement 06-018 with Peckar and Abramson increasing the not to exceed amount by \$150,000 for a total not to exceed amount of \$350,000 and making adjustments in hourly rates. TN 81807000 **Darren Kettle**

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on March 15, 2007. (Meeting chaired by Grace Vargas)

17. **Project Development Advancement for 2nd Series of Railroad Grade Separation Projects** Pg. 143

Approve “Loaning” Measure I Valley Major Projects Funds to Fund Project Development Activities for 2nd Series of up to Five (5) Railroad Grade Separation Projects to be repaid from Measure I 2010-2040 Arterial Funds. **Darren Kettle**

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on March 15, 2007. (Meeting chaired by Grace Vargas)

Consent Calendar Continued....

Project Development (Cont.)

18. "Back-stop" Funding for Interstate 215 Segment 3 Construction Pg. 145

Approve allocating up to \$23,607,000 in Measure I Valley Major Projects funds to "back-stop" any or all Projects of National and Regional Significance (PNRS) federal funding not available at the time Caltrans needs to obligate funding to advertise for bids for I-215 Segment 3 construction. This could result in the temporary use of up to \$23,607,000 as detailed in the Financial Impact Section. TN 83807000. **Darren Kettle**

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on March 15, 2007. (Meeting chaired by Grace Vargas)

Transit/Commuter Rail

19. Proposed Station at Highgrove on the Metrolink Inland Empire/Orange County Line Pg. 147

1. Decline participation at this time in the development and operation of a Metrolink Station in the Highgrove area on the Inland Empire/Orange County Line; and

2. Reconsider the matter based upon the results of the SCAG Feasibility Study. **Mike Bair**

This item was reviewed by the Commuter Rail Committee on March 22, 2007 and unanimously recommended for approval. (Meeting chaired by Patricia Gilbreath)

20. Surplus of Miscellaneous Parcels Acquired as Part of the Redlands Subdivision Purchase of March 1993 Pg. 155

Direct staff to begin the process of disposal of miscellaneous parcels of Redlands Subdivision in accordance with California Government Code Section 25363 and 25526. **Victoria Baker**

This item was reviewed by the Commuter Rail Committee on March 22, 2007 and unanimously recommended for approval. (Meeting chaired by Patricia Gilbreath)

21. Report on the NASCAR Auto Club 500 Chartered Train Service Pg. 165
Receive Information.

This item was unanimously received by the Commuter Rail Committee on March 22, 2007. (Meeting chaired by Patricia Gilbreath)

Consent Calendar Continued....**Transit/Commuter Rail (Cont.)**

22. **Approve Second Option of Contract 04-001 with Schiermeyer Consulting Services** Pg. 167

Approve the second extension option of Contract 04-001 with Schiermeyer Consulting Services for passenger rail planning services in the amount of \$201,756.20 as specified in the Financial Impact Section. **Mike Bair**

This item was reviewed by the Commuter Rail Committee on March 22, 2007 and unanimously recommended for approval. (Meeting chaired by Patricia Gilbreath)

Transportation Programs & Fund Admin.

23. **Award of Transportation Development Act Funds (TDA) Article 3 for Transit Stops Access and Bicycle and Pedestrian Projects** Pg. 176

Approve the award of TDA Article 3 funds for Transit Stop Access and Bicycle and Pedestrian Projects outlined in Attachments A & B totaling \$4,295,543 as identified in the Financial Impact Section. **Victoria Baker**

This item was reviewed by the Plans and Programs Committee on March 21, 2007 and unanimously recommended for approval. (Meeting chaired by Paul Eaton)

24. **Budget Amendment to Local Transportation Fund (LTF) Pass-Through Budget, Task Number 50607000** Pg. 182

Approve an amendment to the LTF Pass-Through Budget, Task Number 50607000, increasing the budget authority by \$10,419,376 for a new total of \$86,057,525. **Victoria Baker**

This item was reviewed by the Administrative Committee on March 14, 2007 and unanimously recommended for approval. (Meeting chaired by Lawrence Dale)

25. **National Environmental Policy Act (NEPA) Delegation Pilot Program** Pg. 184

1. Authorize the Executive Director to sign a Letter of Agreement (C07206) with the California Department of Transportation (Caltrans) to participate in the NEPA Delegation Pilot Program.

2. Contribute \$104,617 of federal Regional Surface Transportation Program (RSTP) funds to Caltrans for implementation of the NEPA Delegation Pilot Program. **Andrea Zureick**

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Committee on March 16, 2007. It was reviewed and approved the Plans and Programs Policy Committee on March 21, 2007. (9-0-1) (Opposed: Nuaimi) (Meeting chaired by Paul Eaton)

DISCUSSION ITEMS

Program Support/Council of Govts.

26. **San Bernardino County Annual Survey** Pg. 191
Receive report on results of the 2006 San Bernardino County Annual Survey and provide direction to SANBAG staff, if required.
Cheryl Donahue
This item has not had prior policy committee review.
27. **State and Federal Legislative Briefing** Pg. 193
1. Receive Report on State and Federal Legislative Issues; and
2. Adopt the following bill positions:
a. Support - AB 1373 (Emmerson)
b. Support - AJR 14 (Jefferies)
c. Support - SB 445 (Torlakson)
d. Support-SCR 16 (Negrete-McLeod)
e. Oppose - AB 1337 (Nava)
f. Oppose - SB 540 (Harman) -
Jennifer Franco
This item was reviewed and unanimously recommended for approval by the SANBAG Administrative Committee on March 14, 2007 (Meeting Chaired by Lawrence Dale) and is scheduled for review by the Board of Directors on April 4, 2007.
28. **SANBAG Advocacy Trip to Washington, D.C. – 2007** Pg. 209
Receive report on Washington DC Advocacy Trip. **Jennifer Franco**
This item was reviewed by the Administrative Committee on March 14, 2007 (Meeting chaired by Lawrence Dale)
29. **Environmental Streamlining – Potential Legislative Matters Concerning the National Environmental Protection Act (NEPA)** Pg. 217
Review report and support legislative efforts to provide for environmental streamlining for NEPA. **Jennifer Franco**
This item was reviewed by the Administrative Committee on March 14, 2007 (Meeting chaired by Lawrence Dale)

Discussion Items Continued....

Project Development

30. **Colton Crossing – Memorandum of Understanding (MOU) between Union Pacific Railroad Company (UP), BNSF Railway Company (BNSF) and San Bernardino Associated Governments (SANBAG)** Pg. 219

Approve the Colton Crossing MOU No. C07205 between UP, BNSF and SANBAG (the parties) memorializing the working relationship and the management framework for the Colton Crossing Project (project). **Darren Kettle**

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on March 15, 2007. (Meeting chaired by Grace Vargas)

31. **Award Construction Contract No. C07110 for State Street/University Parkway Grade Separation Construction** Pg. 229

Award Construction Contract No. C07110 for the amount of \$17,198,485.00 to Skanska USA Civil West California District, Inc. for State Street/University Parkway Grade Separation Construction. **Darren Kettle**

This item is being presented directly to the Board for approval on April 4, 2007.

32. **Draft Redlands Passenger Rail Station Area Plan** Pg. 243

Approve the Draft Redlands Passenger Rail Station Area Plan in concept. **Mike Bair**

This item was reviewed by the Commuter Rail Committee on November 16, 2006 and unanimously recommended for approval. (Meeting chaired by Patricia Gilbreath)

Administrative Matters

33. **Employee Salary and Benefit Adjustments for 2007/2008** Pg. 274

Approve employee salary and benefit adjustments for 2007/2008. **Tony Grasso**

This item is scheduled for action by the Board of Directors on April 4, 2007.

34. **Executive Director Employment Contract** Pg. 275

Approve Amendment No. 1 to Executive Director Employment Contract No.

This item will be reviewed by the Board of Directors on April 4, 2007.

Other Matters**35. Consent Calendar Items Pulled for Discussion**

Items pulled from the consent calendar shall be taken under this item in the order they were presented on the calendar.

Comments from Board Members

Brief Comments from Board of Directors

Public Comment

Brief Comments by the General Public

ADJOURNMENT**Additional Information****Agency Reports/Committee Memberships**

Commuter Rail Report Pg. 276

Mayor Pro Tem Patricia Gilbreath

South Coast Air Quality Management Report Pg. 279

Mayor Dennis Yates

Mobile Source Air Pollution Reduction Review Committee (MSRC) Pg. 281

Mayor Gwenn Norton-Perry

SCAG Committees

SCAG Regional Council Pg.283

SCAG Policy Committees

Community, Economic and Human Development

Energy and Environment

Transportation and Communications

SANBAG Policy Committees

Pg. 284

Acronym List

Pg. 286

Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the SANBAG Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in "Public Testimony on any Item" still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*



Important Things to Know for ... April 2007

SANBAG Meetings- Cancelled:

None

SANBAG Meetings – Scheduled:

SCAG Delegates	Apr. 4	After Board Meeting	El Capitan
Administrative Committee	Apr. 11	9 a.m.	The Super Chief
Major Projects Committee	Apr. 12	9 a.m.	The Super Chief
Plans and Programs Committee	Apr. 18	1 p.m.	The Super Chief
Mountain-Desert Committee	Apr. 20	9 a.m.	Town of Apple Valley
SCRRA Delegates Briefing	Apr. 25	8:30 a.m.	Casa Del Desierto

Other Meetings:

State of the County	Apr. 10	5:30 p.m.	Ontario Convention Center
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For additional information, please contact SANBAG at (909) 884-8276

Your Travel Tip for April

Confused about freeway traffic conditions? Get help from above with freeway changeable message signs. These strategically placed signs help keep you up to date on traffic conditions by displaying road closures, accident reports, severe weather conditions, alternate routes and estimated travel times between major interchanges and cities. These signs aren't just for Amber Alerts anymore, so keep an eye out for other traffic information.



- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM 1

Date: April 4, 2007

Subject: Information Relative to Possible Conflict of Interest

Recommendation*: Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

Background: In accordance with California Government Code 84308, members of the SANBAG Board may not participate in the any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual, except for the initial award of a competitively bid public works contract. This agenda contains recommendations for action relative to the following contractors:

Item No.	Contract No.	Principals & Agents	Subcontractors
16	06-018	Peckar and Abramson <i>Mary Salomone</i>	None
22	04-001	Schiermeyer Consulting Services <i>Carl Schiermeyer</i>	None
30	07-205	BNSF <i>Walt Smith</i> Union Pacific Railroad <i>Gary Riddle</i>	None

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*Approved
Board of Directors*

Date:

Moved: Second:

In Favor: Opposed:

Witnessed: _____

31	07-110	Skanska USA Civil West California District, Inc. <i>Chad Mathes, Vice President</i>	Foundation Pile, Inc. Highlight Electric Inc. Alcorn Fence Co. Marina Landscape Inc. Aver Construction Systems Inc. Regional Steel Corporation Drilltech Sudhakar Co. International
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Financial Impact: This item has no direct impact on the SANBAG budget.

Reviewed By: This item is prepared monthly for review by SANBAG Board and Committee members.

BOARD OF DIRECTORS ATTENDANCE ROSTER - 2007

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Gary Ovitt Board of Supervisors	X	X										
Brad Mizelfelt Board of Supervisors	X	X										
Paul Biane Board of Supervisors	X	X										
Dennis Hansberger Board of Supervisors	X	X	X									
Josie Gonzales Board of Supervisors		X	X									
Jim Nehmens City of Adelanto	X	X	X									
Rick Roelle Town of Apple Valley	X	X	X									
Lawrence Dale City of Barstow	X	X	X									
Bill Jahn City of Big Bear Lake		X	X									
Dennis Yates City of Chino	X	X	X									
Gwenn Norton-Perry City of Chino Hills			X									
Kelly Chastain City of Colton	X	X	X									
Mark Nuaimi City of Fontana	X	X	X									
Bea Cortes City of Grand Terrace	X	X	X									
Mike Leonard City of Hesperia		X	X									
Larry McCallon City of Highland	X	X	X									

X - indicates member attended meeting. * - indicates alternate member attended meeting. Crossed out box indicates was not a Board Member at that time.

BOARD OF DIRECTORS ATTENDANCE ROSTER – 2007

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Robert Christman City of Loma Linda	X	X	X									
Paul Eaton City of Montclair	X	X	X									
Rebecca Valentine City of Needles		X	X									
Paul Leon City of Ontario	X	X	X									
Diane Williams City of Rancho Cucamonga	X	X	X									
Pat Gilbreath City of Redlands	X	X	X									
Grace Vargas City of Rialto	X	X	X									
Patrick Morris City of San Bernardino	X	X	X									
Kevin Cole City of Twentynine Palms	X	X	X									
John Pomierski City of Upland	X	X										
Mike Rothschild City of Victorville	X	X	X									
Dick Riddell City of Yucaipa	X	X										
Chad Mayes Town of Yucca Valley	*		X									
Michael Perovich Ex-Official Member	X	X	X									

X - indicates member attended meeting. * - indicates alternate member attended meeting. Crossed out box indicates was not a Board Member at that time.

BOARD OF DIRECTORS ATTENDANCE ROSTER - 2006

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Gary Ovitt			X	X	X	X	X	X	X	X	X	
Bill Postmus			X		X			X				
Paul Biane	X	X	X			X			X		X	X
Dennis Hansberger	X	X	X	X	X	X	X	X	X	X	X	X
Josie Gonzales	X	X	X	X		X		X	X			
Jim Nehmens	X	X	X		X	X		X	X	X	X	X
Rick Roelle	X	X	X	X	X	X	X	X	X	X	X	X
Lawrence E. Dale	X	X	X		X	X	X	X	X	X		X
Darrell Mulvihill	X	X				X		X	X			
Dennis Yates	X	X	X	X	X	X	X	X	X	X	X	
Gwenn Norton-Perry	X		*	X	*	X	X	X	X	*	X	
Deirdre Bennett	X	X	X	X	X	X	X	X	X	X		
Kelly Chastain	X	X	X	X	X	X	X	X	X	X	X	X
Mark Nuaimi	X	X	X	X	X	X	X	X	X	X	X	X
Bea Cortes	X	X	X	X	X	X	X	X	X	X	X	X
James Lindley	X	X	X	X	X	X	X	X	X	X	X	X
Larry McCallon	X	X	X	X	X	X	X	X	X	X	X	X

X - indicates member attended meeting. * - indicates alternate member attended meeting. Crossed out box indicates member is not a Board Member.

BOARD OF DIRECTORS ATTENDANCE ROSTER – 2006

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Robert Christman	X	X	X	X	X	X	X	X	X	X	X	X
Paul Eaton	X	X	X	*	X	X	X	X	X	X	X	
Rebecca Valentine	X	X	X	X	X	X	X	X	X	X	X	X
Alan Wapner	X	X	X		X	X	X	X	X	X	X	
Diane Williams	X	X	X	X	X	X	X	X	X	X		X
Pat Gilbreath	X	X	X	X	X		X	X	X	X	X	X
Grace Vargas	X	X	X	X		X	X	X	X	X	X	X
Judith Valles	X	X	X	X	X	X	X	X	X	X	X	X
Patrick Morris	X	X	X	X	X	X	X	X	X	X	X	X
Kevin Cole	X	X	X			X	X		X			X
John Pomierski	X		X	X	X	X		X	X			X
Mike Rothschild	X	X	X	X	X	X	X	X	X	X	X	X
Dick Riddell	X	X	X	X	X	X	X	X	X	X	X	X
Paul Cook	X	X	X	X	X	X	*	X	X	X	X	*
Michael Perovich Ex-Official Member	X	*	X	*	X	X	X	*	X	X	X	X

X - indicates member attended meeting. * - indicates alternate member attended meeting. Crossed out box indicates member is not a Board Member.

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 3

Date: April 4, 2007

Subject: Procurement Report for February 2007

*Recommendation:** Receive Monthly Procurement Report.

Background: The Board of Directors approved the Contracting and Procurement Policy (Policy No. 11000) on January 3, 1997. The Executive Director, or his designee, is authorized to approve Purchase Orders up to an amount of \$25,000. All procurements for supplies and services approved by the Executive Director, or his designee, in excess of \$5,000 shall be routinely reported to the Administrative Committee and to the Board of Directors.

There were no purchase orders in excess of \$5,000 to be reported to the Administrative Committee for the month of February 2007.

Financial Impact: This item imposes no impact on the FY 2006/2007 Budget. Presentation of the monthly procurement report will demonstrate compliance with the Contracting and Procurement Policy (Policy No. 11000).

Reviewed By: This item was reviewed and unanimously received by the Administrative Committee on March 14, 2007. (*Meeting chaired by Lawrence Dale*)

Responsible Staff: Terrence J. McGuire, Chief Financial Officer

BRD0704a-tjm.doc
ISF07

Approved
Board of Directors

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

-
- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies
-

Minute Action

AGENDA ITEM: 4

Date: April 4, 2007

Subject: Request for Proposal (RFP) for Auditing Services

*Recommendation:** Ratify Administrative Committee authorization and approval to release RFP 07-181 for SANBAG Auditing Services.

Background: McGladrey & Pullen has been the SANBAG auditor for a number of years. The contract was extended in 2005 to permit McGladrey & Pullen to complete the FY 2005/2006 audit. Staff has been directed to solicit proposals for the audit professional services.

The RFP for auditing services is attached to this agenda item. The RFP defines the schedule for the selection process, the purpose of the request and the evaluation process and a list of issues expected to be addressed in the response.

Pursuant to policy direction, SANBAG is required that this type of contract be awarded on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services at a fair and reasonable price to SANBAG. Such selection shall take into consideration prior experience of the firm and/or representatives, understanding of work to be completed, knowledge of the working environment, and particular skills and expertise of the firm and/or representatives proposed for the function.

Approved
Board of Directors

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

Approval by the Administrative Committee of the release of the RFP prior to Board action facilitates the schedule to have the contract with the auditor approved by June.

Financial Impact: There is no financial impact of this item at this time.

Reviewed By: This item was reviewed by the Administrative Committee on February 14, 2007 and unanimously recommended for approval. (*Meeting chaired by Lawrence Dale*)

Responsible Staff: Terrence J. McGuire, Chief Financial Officer

San Bernardino Associated Governments

Request for Proposals No. 07-181 for

Professional Auditing Services

This Request for Proposal (RFP) describes San Bernardino Associated Governments (SANBAG) need for professional auditing services. It is organized into the following sections:

- I. Introduction
- II. Purpose of the Request
- III. Evaluation Process
- IV. Selection Timetable
- V. Scope of Service
- VI. Format for Proposals
- VII. Award of the Contract
- VIII. Appendix

I. Introduction

A. General Information

San Bernardino Associated Governments is the council of governments and transportation planning agency governed by the mayors of twenty-four cities and the five San Bernardino County Supervisors. SANBAG serves the 1.9 million residents of San Bernardino County. Membership includes the County of San Bernardino and all cities within the County: Adelanto, Barstow, Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Grand Terrace, Hesperia, Highland, Loma Linda, Montclair, Needles, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Twentynine Palms, Upland, Victorville, Yucaipa, and the Towns of Apple Valley and Yucca Valley.

Since its creation as a council of governments in 1973, SANBAG has been designated to serve as several additional authorities, created primarily by statute, which are all organized under the umbrella of the council of governments. These authorities are listed below:

- As the **County Transportation Commission**, SANBAG is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital projects for mass transit and highway projects, and determination of staging such projects in the Transportation Improvement Program. As the designated transportation planning agency for San Bernardino County, SANBAG administers Local Transportation and State Transit Assistance Funds.

- As the **Service Authority for Freeway Emergencies**, SANBAG operates a system of approximately 1,600 call boxes on state freeways and highways within San Bernardino County.
- As the **County Transportation Authority**, SANBAG is responsible for the administration of the voter-approved half cent transportation transactions and use tax which will raise over \$1.8 billion through 2010 for funding of major freeway construction, commuter rail service, local street and road improvements, special transit service for the elderly and disabled population, and traffic management and environmental enhancement efforts.
- As the **Congestion Management Agency**, SANBAG monitors the performance level of the regional transportation system in a manner which ensures consideration of the impacts of new development on the system and promotes air quality through implementation of strategies in the adopted air quality plans.
- As a **Sub-regional Planning Agency**, SANBAG represents the San Bernardino County area with the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to input into regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.

II. Purpose of the Request

A. General Statement

San Bernardino Associated Governments (SANBAG) is requesting proposals from qualified firms of certified public accountants to audit its financial statements for the fiscal year ending June 30, 2007. SANBAG requires an audit of its basic financial statements in accordance with generally accepted accounting principles and the governmental auditing standards as promulgated by the Comptroller General of the United States. Additionally, this audit should include compliance with covenants and related testing as required by the indenture for SANBAG's Sales Tax Revenue Bonds.

B. Term and Conditions

Proposals are requested for a three year period starting with the Fiscal Year ending June 30, 2007. The initial engagement will be for a three (3) year period. In addition, SANBAG shall have the option to extend the engagement for up to two (2) additional years, one year at a time. The option years shall be exercised by written amendments executed by the parties. After the initial year, the engagement shall be renewed, on a year-to-year basis, at a mutually acceptable fee. Such renewal engagement shall be confirmed in writing.

Responses to this RFP become the exclusive property of SANBAG. At such time as firms are selected and their names made public, all proposals submitted shall be regarded as public records.

The Agency considers its relationship with its independent auditor to be a professional one. Although this is a formal selection process, the Agency reserves the right to decline acceptance of any and all proposals, to negotiate engagement conditions with the selected firm and to waive provisions of the RFP at its sole discretion.

C. Subcontracting

No Subcontracting will be allowed without prior written consent from SANBAG.

III. Evaluation Process

A. General Description

Firms are requested to respond to this solicitation in the manner more fully described in Section VI below.

Authority and local Agency staff will review and evaluate the responses received against the evaluation criteria listed below.

The proposals will be reviewed and selected firms will be short listed, interviewed and the final recommendation will be presented to the Administrative Committee and approved by the Board of Directors.

B. Evaluation Criteria

1. Qualification and experience of the firm. This will be evaluated based on the breadth and depth of the firm's experience as a whole in the performance of comparable audit assignments.
2. Qualification and experience of the individuals assigned to perform the work. This will be based on the resumes of the individuals who will actually oversee and perform the work, especially those senior staff committed to participation in the work.
3. Organization of the work and management plan. This will be based on the proposed approach to organizing, managing, and implementing the necessary tasks and the ability of the firm to complete the assignment by December 20 of each year.

4. Demonstrated understanding of the Agency's needs and proposed method of approach. This will be based on the preliminary description of the proposed approach to providing the required scope of services. This will give credit to firms who demonstrate insight, needed emphasis, priority, innovative thinking and ability to function as an integral member of SANBAG's financial management team.
5. References for comparable past work. This will be based on references from several clients where comparable work was performed.
6. Cost. Cost will be a significant factor when other evaluation criteria are relatively equal.
7. Location of firm. SANBAG's local preference policy assigns up to 10% local preference credit if the firm's main office, headquarters, or major regional office is in San Bernardino County.
8. Actual or Potential Conflict of Interest. This will be based on an assessment of the firm's client list and the extent to which the firm may represent related entities whose interest may conflict with SANBAG.

IV. Selection Timetable

The following timetable will apply to this RFP.

<u>Item</u>	<u>Date(s)</u>
Release RFP	02/15/07
Proposals Due - 3:00 p.m.	03/9/07
Determination of Short List	03/13/07 – 03/19/07
Interviews	03/29/07 – 03/30/07
Recommendation to the Administrative Committee	04/11/07
Admin Committee recommendation to the Board of Directors	05/02/07

V. Scope of Services

A. Auditing Standards to be Followed

The audit shall be performed so as to satisfy the audit requirements in accordance with the generally accepted government auditing standards set forth for financial audits in the General Accounting Office's (GAO) Government Auditing Standards (1994), the Single Audit Act of 1984, as amended, and U.S. Office of Management and Budget (OMB) Circular A-133 and OMB's Compliance Supplement titled Uniform Requirements for Grants to State and Local Governments.

The examination shall also include an audit of the County's Local Transportation Fund (LTF) and the State Transit Assistance Fund (STAF) in accordance with California Code of Regulations Section 6661 for LTF and Section 6751 for STAF.

B. Reports to be Issued

Following the completion of the audit of the fiscal year's financial statements, the Auditor shall issue the following reports and letters:

1. Independent Auditor's report on Basic Financial Statements
2. Independent Auditor's Single Audit Report
3. Local Transportation Fund Financial and Compliance Report
4. State Transit Assistance Fund Financial and Compliance Report
5. Report on Applying Agreed Upon Procedures for Appropriations Limit Calculation
6. Audit Committee Letter
7. Management Letter (if required)

C. Additional Considerations

1. It is expected that the firm which is selected shall keep the Agency informed of new state and national developments affecting municipal and local government finance. Additionally, reporting standards and trends including changes in federal/state grant program accounting and reporting requirements shall be communicated to the Agency.
2. SANBAG requires that the auditor's scope of service includes up to 20 hours a year of consulting time. Should SANBAG require additional audits/services outside of the scope listed above, fees will be established at the time such services are determined to be necessary.
3. The auditor shall provide the Chief Financial Officer with periodic progress reports during the course of the field work. These reports shall identify problems encountered or foreseen, deficiencies in work being performed by Agency staff, disagreements over the application of accounting principles and other items which could result in delay of the audit work. The auditors shall observe the adequacy of the systems of internal control, accounting procedures and other significant observations.

4. The auditors should be prepared to attend at least one Administrative Committee meeting and one Board of Directors' meeting to present the reports and respond to any inquiries.

5. After the completion of the audit, the auditors will deliver seventy-five (75) bound copies of the final SANBAG Audit and forty (40) bound copies of the final LTF and STAF audits.

D. Working Paper Retention and Access to Working Papers

All working papers and reports must be retained, at the auditor's expense, for a minimum of three (3) years, unless the firm is notified in writing by SANBAG of the need to extend the retention period. The auditor is required to make working papers available, upon request, to the following parties or their designees:

1. San Bernardino Associated Governments
2. Parties designated by the federal or state government or by SANBAG as part of an audit quality review process
3. Auditors of entities of which SANGAG is a sub-recipient of grant funds
4. In addition, the firm shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review working papers relating to matters of continuing accounting significance.

VI. Format for Proposals

A. General

The cost of preparing, submitting and presenting a proposal is at the sole cost and expense of the offeror.

B. Instructions

1. The offeror should prepare its proposal using the order and designations as presented in the Scope of Proposals below.
2. The offeror shall submit five (5) copies of its proposal to:

Mr. Terrence J. McGuire
Chief Financial Officer
San Bernardino Associated Governments
1170 W. 3rd Street, 2nd Floor
San Bernardino, CA 92410

3. Proposals must be received at the above address no later than 3:00 p.m. on March 9, 2007. Faxes, late submissions, or proposal modifications will not be accepted after the closing date.
4. Any inquiries concerning the RFP should be made to Cynthia A. Cordova, Accounting Manager, (909) 884-8276, ext.162.
5. No contacts of any kind shall be made with Board members, their staffs, or SANBAG staff other than as provided above. It is intended that the selection shall be made on merit alone within the process set forth. Violation of this condition shall be cause for immediate rejection of the proposal.

C. Scope of Proposal

You must provide the following information and your proposal should be concise and responsive. It should be no longer than 30 pages in length.

1. Title Page

Show the Request for Proposal subject, the name of your firm, local address and telephone number, name of contact person and date of the proposal.

2. Table of Contents

Clearly identify the material by section and page number.

3. Letter of Transmittal - Limit to one or two pages

- a. Briefly state your firm's understanding of the work to be done; including any segregation of audit work to be performed, a comment on the firm's ability to make a commitment to perform the work in a timely manner and a statement as to why the firm believes to be best qualified to perform the engagement.
- b. Give the names of the persons who will be authorized to make representations for your firm, their titles, addresses and telephone numbers.

4. Profile of the Organization, Technical Qualifications and Approach

- a. Provide a description of firm or firms proposed to perform the audit(s). State the size of the firm, the size of the firm's governmental audit staff, and the location of the office from which the work on this engagement is to be performed.

- b. Indicate the number of personnel (by level) located within the proposing office that will perform the audit.
- c. The firm is required to submit a copy of the report on its most recent external quality control review, with a statement whether the quality control review included a review of specific government engagements.
- d. Describe the range of activities performed by the proposing office, such as audits, accounting, tax services or management services.
- e. Provide a list of current and prior government, council of governments and joint powers authority, transit operator and TDA audit clients, including telephone number and contact person's name, indicating the types of services performed and the number of years served.
- f. Describe your approach to the audit. This should include at least the following points:
 - (1) Type of audit program used.
 - (2) Use of statistical sampling.
 - (3) Use of computer audit specialists.
 - (4) Organization of the audit team and the proposed number of hours to be assigned to each proposed segment of the engagement.
 - (5) Types of assistance expected from Agency staff.
 - (6) Approach to be taken to gain and document an understanding of the agency and its functions. Preliminary work may begin upon engagement approval.

5. Summary of Individual Audit Staff Technical Qualifications

Identify the partners, managers and supervisors who will participate in the audit, including staff other than from the proposing office. Include resumes for each supervisory person to be assigned to the audit. Identify the percentage of time key members will work on the audit. Be sure to include information on the government auditing experience of each person, including any relevant continuing professional education and/or membership in professional organizations as they pertain to this audit.

6. Local Presence Report

A report providing specific information regarding the firm's local operation will be required. Please refer to Appendix A, Contracting and Procurement Policy, #11000, Section 7.C Local Preference Policy.

7. Fee Proposal

The fee proposal shall contain cost information for each area of audit work as defined in Section V and shall include the method by which the annual fees will be increased (i.e. CPI) during the three year engagement.

8. Payment

Invoices may be submitted on a progress basis, according the hours of work completed during the course of the engagement. Ten percent (10%) will be withheld from each billing pending delivery of the firm's final reports.

VII. Award of Contract

The Authority reserves the right to reject any and all proposals or to appoint one or more advisors. Award of the contract will be made to the firm, in the sole opinion of the Authority which will provide the best service, and best meets the needs of the Authority.

The Authority is under no obligation to accept the lowest bidder. The Authority reserves the right to further negotiate services and costs which are proposed.

The terms and conditions of the work shall be set forth in a final Professional Services Contract to be negotiated. The engagement shall be for three years with two options for an additional year.

VIII. Appendix

C. Local Preference Policy

1. The term "local" shall apply only to San Bernardino County until or unless an agreement with Riverside County Transportation Commission and/or other Riverside County agencies can be executed to define "local" as relating to the greater Inland Empire (both Riverside and San Bernardino Counties).
2. The purpose of this policy is to encourage firms to locate and remain in San Bernardino County and to promote economic development in San Bernardino County.
3. It is the policy of SANBAG to utilize the services of local consultants/firms to provide consulting services. SANBAG will award up to a 10 percent credit to local consultants/firms submitting Statements of Qualifications for professional services and consulting work. This policy shall not apply to contracts required under state law to be awarded on the basis of competitive bid.
4. This policy shall not retroactively apply to any existing contracts.
5. Firms shall be defined as follows:

A. Local. A firm shall be considered local and be awarded full 10 percent local preference credit, if the firm's main, or headquarters, or major regional office is in San Bernardino County. For this policy, a major regional office is defined as a business location apart from the headquarters which:

- Has been issued a business license, if required, and has been established and open for a minimum of six months prior to the date that the SANBAG Board or Executive Director authorizes the circulation of an RFP/RFQ for any contract it which it responds, and
- Can demonstrate on-going business activity in the field of endeavor on which they are proposing from that office during the preceding six months, and
- Has a minimum of one senior management employee and nine regular employees working full time from the San Bernardino County location.

B. Partly Local Firm. A firm headquartered elsewhere with a branch office in San Bernardino County shall be considered partly local and receive 5 percent credit when it:

- Has been issued a business license, if required, and has been established and open for a minimum of six months prior to the date that the SANBAG Board or Executive Director authorizes the circulation of an RFP/RFQ for any contract it which it responds, and
- Can demonstrate on-going business activity in the field of endeavor on which they are proposing from that office during the preceding six months, and
- One senior management employee and four regular employees work at the partly local office.

C. Non-local Firm. A firm not fulfilling all the requirements of the preceding paragraph 5B shall be awarded 2.5 percent local preference credit on a graduated basis in keeping with the extent to which those requirements are satisfied by their sub consultants (e.g., 25 percent of the work in question to be performed by local sub consultants will warrant 25 percent of the local preference credit allowable for partly local firms).

6. A "local presence report" providing specific information regarding the firm's local operation will be required as part of the Statement of Qualifications. For information purposes, all firms submitting proposals will be requested to prepare and provide a breakdown of those employees proposed to be engaged in the contracted work in the local office by county of residence.

7. Firms with no existing local office for a minimum of six months prior to the time that the SANBAG Board authorizes the circulation of the RFQ/RFP shall be awarded no local preference credit.

8. This policy shall not apply in contracts where federal funds are involved.

Minute Action

AGENDA ITEM: 5

Date: April 4, 2007

Subject: Funding Agreement with Riverside County Transportation Commission (RCTC), Orange County Transportation Authority (OCTA), Los Angeles County Metropolitan Transportation Authority (LACMTA) to provide the local match for a Caltrans Environmental Justice Context Sensitive Planning Grant.

Recommendation:*

1. Approve Contract No. 07207 with RCTC, OCTA, LACMTA to provide \$6,000 in local match for a Caltrans Environmental Justice Context Sensitive Planning Grant.
2. Approve budget amendment to the SANBAG 2006/07 fiscal year budget to increase Task No. 11107000, Freight Movement, for the Environmental Goods Movement Funding Agreement by \$6,000, as detailed in the Financial Impact Section.

Background: SANBAG staff is participating at both technical and management levels in the development of a Multi-County Goods Movement Action Plan (Action Plan) for Southern California. The Action Plan will ultimately reflect regional agreement on a phased strategy to maintain mobility for freight movement to, from, and within Southern California, and also will determine how best to minimize the impacts of freight movement on local communities, the existing transportation system, and the environment.

Approved
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

Caltrans awarded RCTC an Environmental Justice Context Sensitive Planning Grant to identify potential solutions to the community impacts of goods movement in greater depth than otherwise would be possible with the funding available in the Action Plan. The grant will be used to establish a framework for addressing environmental justice issues as the issues relate to the impact of goods movement projects on sensitive communities throughout a five county study area in Southern California. Phase I of this effort will identify best practices and/or solutions that support community based approaches to addressing the impact of goods movement on local communities. The work will also identify and quantify the costs associated with economic, environmental and health impacts associated with goods movement and the benefits associated with reducing those impacts for a five-county study area. The study area will encompass Los Angeles, Orange, Riverside, San Bernardino and Ventura Counties. This work will be administered by the Riverside County Transportation Commission (RCTC) and will supplement the efforts of the ongoing Multi-County Goods Movement Action Plan contract being administered by the Los Angeles County Metropolitan Transportation Authority within the same study area. The Scope of Work for the project is structured to spread the review of community impacts among the participating counties and to develop a consistent and cost-effective set of strategies that will demonstrate how communities may be able to avoid, minimize, and/or mitigate the localized impacts of goods movement activities.

Overall, the project will use a combination of environmental justice impact analysis and targeted community outreach to assure that the regional goods movement strategy developed for the Multi-County Goods Movement Action Plan addresses the impacts of goods movement on minority and low-income communities. Specific activities to be conducted include:

- ▶ Identify low-income and minority populations in the study area.
- ▶ Conduct initial analysis of environmental justice impacts.
- ▶ Identify strategies that may be appropriate for lessening the impacts of goods movement activities on minority and low-income communities.
- ▶ Convene Community Feedback Groups, present analysis results, and review potential strategies.
- ▶ Refine analysis of impacts and potential strategies for impact mitigation.
- ▶ Issue summary report and guidebook for local jurisdictions.
- ▶ Conduct final round of Community Dialogue meetings to disseminate Final Report and Guidebook.

The SANBAG Board previously approved participation in a multi-county Environmental Justice grant for goods movement in November, 2004 in the event the grant was awarded. The funding agreement being approved in the current agenda item is based on a subsequent grant application through RCTC. The prior grant application (in 2004) was through MTA and was not awarded. An amendment of \$6,000 is requested for the FY 2006/2007 budget to cover SANBAG's share of the matching amount.

Financial Impact: The financial impact of this item is \$6,000, which is not currently included in the adopted FY 2006/07 budget. A budget amendment is requested to increase the amount of Task No. 11107000, to fund the Environmental Justice Goods Movement Funding Agreement. The funding source for the budget amendment is unprogrammed Valley Measure I TMEE.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on March 21, 2007. This item has been submitted for review by Counsel. *(Meeting chaired by Paul Eaton)*

Responsible Staff: Ryan Graham, Transportation Planning Specialist
Steve Smith, Principal Transportation Analyst

SANBAG Contract No. 07-207

by and between

San Bernardino Associated Governments

and

Los Angeles County Metropolitan Transportation Authority, Orange County Transportation Authority, Riverside County Transportation Commission

for

Enivornmental Justice Goods Movement Funding Agreement

FOR ACCOUNTING PURPOSES ONLY				
<input checked="" type="checkbox"/> Payable <input type="checkbox"/> Receivable	Vendor Contract # _____ Vendor ID <u>RCTC</u>	Retention: <input type="checkbox"/> Yes _____ % <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment	
Notes:				
Original Contract: \$ <u>6,000</u>		Previous Amendments Total: \$ _____		
Contingency Amount: \$ <u>0</u>		Previous Amendments Contingency Total: \$ _____		
		Current Amendment: \$ _____		
		Current Amendment Contingency: \$ _____		
Contingency Amount requires specific authorization by Task Manager prior to release.				
Contract TOTAL →				\$ <u>6,000</u>
↓ Please include funding allocation for the original contract or the amendment.				
<u>Task</u>	<u>Cost Code</u>	<u>Funding Sources</u>	<u>Grant ID</u>	<u>Amounts</u>
<u>11107000</u>	<u>5011</u>	<u>TMEE</u>	_____	\$ <u>6,000</u>
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
Original Board Approved Contract Date: <u>April 4, 2007</u> Contract Start: <u>April 4, 2007</u> Contract End: _____				
New Amend. Approval (Board) Date: _____ Amend. Start: _____ Amend. End: _____				
If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:				
Approved Budget Authority →	Fiscal Year: _____ \$ _____	Future Fiscal Year(s) – Unbudgeted Obligation →		\$ _____
Is this consistent with the adopted budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
If yes, which Task includes budget authority? _____				
If no, has the budget amendment been submitted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
CONTRACT MANAGEMENT				
Please mark an "X" next to all that apply:				
<input checked="" type="checkbox"/> Intergovernmental <input type="checkbox"/> Private <input type="checkbox"/> Non-Local <input type="checkbox"/> Local <input type="checkbox"/> Partly Local				
Disadvantaged Business Enterprise: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes _____ %				
Task Manager: Ty Schuiling			Contract Manager: Steve Smith	

Task Manager Signature

Date

Ty Schuiling 3/15/07

Chief Financial Officer Signature

Date

Contract Manager Signature

Date

Steve Smith 3/15/07

EXHIBIT A

STATEMENT OF WORK

OVERVIEW

The ability to efficiently move freight/goods throughout Southern California's transportation network is crucial to the mobility and economic vitality of the region, the state and the nation. However, accommodating freight/goods movement traffic without adequately addressing disproportional impacts on local communities is no longer acceptable. Over the years, freight movement and related activities have resulted in a substantial increase in the number of trucks traversing local arterials and highways, community and environmental impacts, air quality impacts and related health effects and incompatible industrial and residential landuses. Without a plan to address these issues traffic operations will continue to deteriorate and local community impacts will continue to rise, further exposing sensitive groups to environmental justice issues. As such, the counties of Los Angeles, Orange, Riverside, San Bernardino and Ventura have agreed to work in conjunction with community groups to prepare a report and guide book that addresses multi-county goods movement environmental justice issues.

The work described below will establish a framework for addressing environmental justice issues as it relates to the impact of goods movement projects on sensitive communities throughout a five county study area in Southern California. Phase I of this effort will identify best practices and/or solutions that support community based approaches to addressing the disproportional impact of goods movement on local communities. This work will also identify and quantify the costs associated with economic, environmental and health impacts associated with goods movement and the benefits associated with reducing those impacts for a five county study area. The study area will encompass Los Angeles, Orange, Riverside, San Bernardino and Ventura Counties. This work will be administered by the Riverside County Transportation Commission (RCTC) and will supplement the efforts of the ongoing Multi-County Goods Movement Action Plan contract (MCGMAP) that is being administered by the Los Angeles County Metropolitan Transportation Authority (LACMTA) within the same study area. This Scope of Work will follow the same agency management oversight as the Action Plan contract.

The Action Plan process is guided by a Project Management Team consisting of executive level staff from the partner agencies that include LACMTA, Orange County Transportation Authority (OCTA), Riverside County Transportation Commission (RCTC), San Bernardino Associated Governments (SANBAG), Ventura County Transportation Commission (VCTC), Caltrans Districts 7, 8, 11 and 12, and Southern California Association of Governments (SCAG). The Project Management Team reports to the CEO's of the partner agencies. The detailed work of the Action Plan contract is performed by the Consultant (Wilbur Smith & Associates) and the oversight is the responsibility of a Technical Advisory Committee (TAC) that is comprised of planning staff from the partner agencies. The TAC reports to the Project Management Team.

A Multi-County Environmental Justice Goods Movement Technical Advisory Committee ("the EJGM TAC") will be established to monitor and guide this effort. The EJGM TAC will consist of representatives from Community Feedback Groups, in addition to the Action Plan TAC members referenced above. The Community Feedback Groups will represent a broad cross section of stakeholders that may include, but will not be limited to, regional or locally based community groups, environmental groups, health organizations, homeowner associations, neighborhood groups, academia, church organizations and other organized groups. In many areas of potential impact, organized groups with an interest in goods movement activities may already exist.

Agency staff from LACMTA, OCTA, RCTC, SANBAG and VCTC will be responsible for all community relations within their respective counties. This staff will be the focal point for all contact with stakeholders and community groups within their respective counties. Agency staff and the Consultant will identify members of Community Feedback Groups. At least one representative from each Community Feedback Group will be nominated (or selected by agency staff) to participate in the EJGM TAC meetings. The RCTC Project Manager and Consultant will work closely with the above referenced agency staff to facilitate the development of at least one Community Feedback Group in each county.

Some of the technical work (e.g. freight demand analysis, system performance analysis economic, environmental and community impact analysis, mitigation measures and action plan development) performed by Wilbur Smith & Associates will be completed prior to the start of this contract. Therefore, to ensure that Environmental Justice is fully and appropriately addressed in the regional goods movement planning process, the results of the tasks described below will be appended to the Action Plan and integrated into its implementation phase.

This work will result in a final Summary Report and Guidebook for Local Jurisdictions and other decision makers responsible for addressing goods movement impacts within the study area. The depth and breadth of the Consultant's knowledge of goods movement issues in terms of environmental justice impacts (including related health impacts) will be particularly useful throughout this effort.

This 12 month effort will commence after the Consultant is issued the Notice to Proceed. When future funding becomes available, subsequent phases of this effort will focus on the development of an implementation strategy and schedule, a program of prioritized projects and/or mitigation strategies and potential funding sources.

TASKS TO BE PERFORMED

Task 1. Project Management / Coordination / Administration

This task includes the project management function including the requirements for meetings, schedules, progress reports, invoicing, and administration of the project.

Project Staffing

The consultant Project Manager shall be responsible for the overall and daily management of the project for the consultant team. The Project Manager will ensure the timely and integrated production of all study work tasks. Due to the importance of consistent project

management, the individual nominated by the consultant team to be Project Manager must commit to that role for the duration of the project. RCTC will consider the unauthorized removal or substitution of the Project Manager as grounds for termination of the contract.

Project Management and Control

All work should be completed within twelve (12) months after the Notice to Proceed, in order to allow for timely and informed decision-making by the Commission. Within 30 days after award of the Contract, the Project Manager shall prepare a detailed project budget, schedule, and project management plan to include all of the tasks described in the Scope of Work. The Project schedule will include all activities by work task, start dates, activity durations, product submittal dates, relationships among work tasks, and float time. The schedule shall account for interface with, and review by, RCTC. The project budget and schedule will be reviewed and approved by the RCTC Project Manager and shall be regarded as the baseline against which project status and progress is measured and reported.

The consultant Project Manager shall communicate and coordinate in a timely manner all work and progress on the project with the RCTC Project Manager. Coordination and administration for the project shall include, but is not limited, to the following:

Monthly Progress Reports and Invoices

At the end of each month, the Consultant shall report the progress of the study. Progress shall be based on percent complete by task and overall. The narrative portion of the monthly Progress Report shall describe overall progress of the work, discuss significant problems and present proposed corrective action and show the status of major changes. Monthly Progress Reports must accompany invoices.

All scheduled tasks will be updated to reflect current percent. If the latest completion time for a significant work item does not fall within the time allowed by the original Project Master Schedule, the sequence of work and/or duration shall be revised by the Consultant through concurrent operations, additional staffing or overtime, until the resultant schedule indicates that all significant project completion dates will be met. If during the course of the work, the Consultant falls behind in overall performance in accordance with the current schedule, a project management meeting will be called to determine the cause. Depending on the frequency of occurrence that performance falls behind expectations, either a conference call or meeting will take place to discuss the cause of slowed progress. If cause is found to be due to Consultant performance, payment to Consultant may be withheld pending the submittal of an action plan outlining the steps which will be taken to correct the identified delay (s).

Meetings and Meeting Minutes

In general monthly progress meetings will be held at RCTC offices or downtown Los Angeles. Meeting minutes will be prepared by the Consultant Project Manager and submitted for review to the RCTC Project Manager within five days of the progress meeting.

The Consultant will, during the course of the study, meet with relevant MCGMAP TAC members involved with public outreach. These meetings must be coordinated through the RCTC Project Manager. Generally, the Consultant will only meet with outside agencies after securing authorization from RCTC and in the presence of RCTC staff. For budgeting

purposes, the Consultant should assume 12 monthly progress meetings with the EJGM TAC. The number of external agency outreach meetings or community meetings will be determined after Community Feedback Groups have been established, however it is anticipated that there will be at least 10 meetings per county.

The MCGMAP TAC will work with the consultant team at significant milestones. Participants in the Multi-County Environmental Justice Goods Movement Technical Advisory Committee (EJGM TAC) include representatives from RCTC, SANBAG, Caltrans, LACMTA, OCTA, VCTC, SCAG and the Community Feedback Groups. At least one representative from each Community Feedback Group will be nominated (or selected by agency staff) to participate in the EJGM TAC meetings.

Deliverable Products:	Monthly Progress Reports (accompanied by invoices) Project Budget, Schedule, and project management plan Meetings and other intergovernmental meetings Meeting minutes for project meetings Final documents shall also be provided in .PDF format and include original electronic files
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Task 2. Develop selection criteria and identify specific target communities in the study area.

In assessing the environmental justice implications of the Regional Transportation Plan, SCAG has developed extensive socioeconomic data sets for 2000 and the Plan horizon year of 2030. Variables developed include population and households by:

- income quintile
- 100%, 150%, and 200% of poverty level
- six categories of race or ethnicity
- age (over or under 65)
- disability.

In consultation with the EJGM TAC, the Consultant will use SCAG's socioeconomic data sets to identify specific communities based on a selection criteria that is to be developed by the consultant team and approved by the EJGM TAC. Supplemental data may include data from school districts, public health and social service agencies. The criteria will facilitate the identification of specific communities likely to be impacted by regional goods movement infrastructure and investment decisions. The Consultant will develop maps along with the potential locations of goods movement infrastructure projects and impact areas. Based on these maps and criteria approved by the EJGM TAC, it is likely that many communities will be identified as "impact-sensitive", and the Consultant will recommend at least one of these impact-sensitive communities per county for the formation of Community Feedback Groups that may serve as prototype communities for inclusion in the Guidebook (Task 6) to assist in broader community analyses as future resources become available. The Consultant will conduct a literature search to gather other relevant data to document and properly assess environmental justice issues (including health impacts) identified in Task 3.

Deliverable Products:	Maps showing EJ populations, potential project locations; preliminary recommended areas for
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Task 3. Conduct analysis of environmental justice impacts.

Based on the socioeconomic data sets for 2000 and 2030 and other relevant data sources that include, but will not be limited to, technical memorandums from the Multi-County Goods Movement Action Plan, the Consultant will use previously developed and new methodologies as applicable to estimate the impacts of proposed goods movement projects. The following specific measures will be addressed:

- Air emissions benefits or impacts
- Noise benefits or impacts
- Congestion reduction benefits
- Economic benefits or impacts
- Visual impacts
- Health impacts

The Consultant will analyze health risk assessments and methodologies, and identify criteria used to measure the health impact of goods movement activities. Consultant will also provide cost estimates for each criterion selected.

Deliverable Products: Technical memorandum summarizing results of initial analysis of impacts and benefits of proposed projects for impacted communities

Task 4. Identify strategies that may be appropriate for lessening the impacts of goods movement activities on minority and low-income communities.

Working with the EJGM TAC, the Consultant will define a set of strategies or "good practices" that individual jurisdictions (and other public sector stakeholders and decision-makers), transportation agencies, and the private sector can use to diminish the potential negative consequences of goods movement infrastructure projects and industrial or manufacturing development. Examples may include: land use and traffic planning principles for industrial and manufacturing development (e.g. buffering, site layout, landscaping, circulation, lighting, clustering, special requirements for truck terminals and truck stops, etc.); noise mitigation techniques; visual mitigation techniques; truck routing regulations; approaches to reduce localized air quality problems, etc, that are outlined in the Action Plan but may need further refinement. In developing strategies the Consultant is encouraged to utilize input from community groups, health organizations and air quality organizations that have been received in the course of other studies.

Deliverable Products: Technical memorandum containing a list of strategies for reducing the impacts of goods movement on local communities

Task 5. Convene Community Feedback Groups, present analysis results, and review potential strategies.

With support from the Consultant, the EJGM TAC members will hold a set of initial meetings with identified Community Feedback Groups to present analysis results from Task 2 and to discuss local concerns about goods movement system impacts and potential benefits. The groups will also be asked to provide feedback on the strategies developed in Task 3 for reducing the impacts of goods movement. Each case study setting will be used to test the potential benefits, viability, and practicality of the strategies identified in Task 3. Depending on the level of community concern, additional meetings will be held as needed to identify an acceptable approach and/or mitigation strategy for the community. It is anticipated that there will be no more than 10 initial meetings.

The EJGM TAC will be responsible for the following:

- Arranging the meeting venue, including providing the appropriate provisions for ADA accessibility, translation services and other communication equipment, if necessary;
- Coordinating with the Consultant to post relevant information on the Action Plan website, or project website

The Consultant will be responsible for the following:

- Facilitating the meetings, leading the discussion on agenda items and engaging participants to ensure productive discussions;
- Making presentations and preparing appropriate handout material as directed by the EJGM TAC;
- Preparing meeting notices, agendas, minutes/notes and action items;
- Documenting feedback from the groups, summarizing and synthesizing comments from the groups and compiling comments from the groups; and
- Emailing/mailling groups, distributing copies of meeting material to groups and providing information for posting on the Action Plan website, or project website as directed by the EJGM TAC.

Deliverable Products: Agendas and meeting notes from meetings with Community Feedback Groups.

Task 6. Refine analysis of impacts and potential strategies for impact mitigation based on community input.

Based on feedback and suggestions from the Community Feedback Groups and the EJGM TAC, the Consultant will refine the impact analysis to incorporate other methodologies or performance measures. The potential strategies to reduce impact will also be updated based on community feedback and changes in project implementation plans.

Deliverable Products: Revised technical memoranda from Task 3 (impact analysis) and Task 4 (strategies for impact reduction).

Task 7. Issue summary report and guidebook for local jurisdictions.

The Consultant will compile findings from the foregoing tasks into a Summary Report that presents the analysis and describes the communication process and results from each of the Community Feedback Groups. The Consultant will also prepare a guidebook for Local Jurisdictions that includes a final list and description of strategies for potential use in reducing the impacts of goods movement on communities within the study area.

Task 7.1 Prepare Work Products

Work products should be presentable in both color and black and white to facilitate duplication and distribution of this information to community groups. The Consultant shall prepare an executive summary with appropriate graphic aides and charts for the Summary Report and the Guidebook. Key information should be placed in the body of the report and guide book as well as in the executive summary. Voluminous reports are not desired. The Summary Report will document and address the issues unique to each county, if any. The report will also contain sections specific to each county that can be easily integrated into county-level transportation plans. The Consultant should anticipate making 10 color copies of the Final Report and Guidebook. The Consultant shall also provide the EJGM TAC with an acceptable electronic format/ media (i.e., cd rom, etc.) of the Final Report and Guidebook at the option of the EJGM TAC members.

Deliverable Products:	Draft and Final Summary Report and Guidebook for Local Jurisdictions
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Task 8. Conduct final round of Community Feedback meetings to disseminate Final Report and Guidebook.

With support from the consultant, the EJGM TAC members will hold a final round of meetings with Community Feedback Groups to present and disseminate results.

Deliverable Products:	Meeting agendas and meeting notes from meetings with Community Feedback Groups.
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EXHIBIT B
AGENCY CONTRIBUTIONS

AGENCY	TOTAL CONTRIBUTION	PERCENT CONTRIBUTE D	NOTES
CALTRANS	\$200,000	88%	\$200,000 EJ Grant
LACMTA	\$6,000	3%	Local Match for \$200,000
OCTA	\$6,000	3%	Local Match for \$200,000
RCTC	\$6,000	3%	Local Match for \$200,000
SANBAG	\$6,000	3%	Local Match for \$200,000
TOTAL	\$224,000	100%	

Minute Action

AGENDA ITEM: 6

Date: April 4, 2007

Subject: Update on goods movement initiatives affecting San Bernardino County

Recommendation:*

- 1) Receive report on status of the Multi-County Goods Movement Action Plan, air quality implications of goods movement strategies, status of goods movement initiatives with state and federal agencies, and status of potential projects to be considered for allocations from the Trade Corridor Improvement Fund under Proposition 1B.
- 2) Adopt the "reversible managed lane" alternative for purposes of near-term project development guidance for interchanges along Interstate 15

Background: SANBAG staff is working on goods movement initiatives on multiple fronts. A progress update on these initiatives will be provided as part of this agenda item. Background on each of the issues is provided below.

- **Key issues emerging from the Multi-County Goods Movement Action Plan (MCGMAP).** SANBAG staff has been working on the MCGMAP with partner agencies in the SCAG region for over two years. The purpose of the effort is to develop a regional consensus on the future landside goods movement system, consistent with timely attainment of clean air standards, and key goods movement actions toward implementation. In addition, county-level elements of the plan are being prepared for each county in the

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Approved
Board of Directors

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

region, including San Bernardino. The MCGMAP draft final report is scheduled to be released in late April, 2007. Recommendations will focus on how to accommodate the projected growth in freight over the next 30 years, how to mitigate the environmental and community impacts of goods movement, how to accelerate the reduction in emissions from existing and future goods movement activities in support of attainment for PM2.5 and ozone, and how to fund the investments needed to accomplish the above. The emerging strategy contemplates inland ports, served by high speed dedicated freight movement corridors. Products include a comprehensive list of goods movement projects, possibly including dedicated truck lanes.

- **Recommended adoption of the “reversible managed lane” alternative for purposes of near-term project development guidance for interchanges along Interstate 15.** The SANBAG Board approved the recommendations in the I-15 Comprehensive Corridor Study in February, 2006. The Board endorsed two alternatives (dedicated truck lanes and reversible managed lanes) forward for further consideration, pending the completion of the analysis of dedicated truck lanes in the MCGMAP. Although the MCGMAP draft final report has not been released, enough is known about the analysis to conclude that the dedicated truck lane alternative for the I-15 will require an extraordinary infusion of private/user fee dollars in order to be financially feasible. Measure I 2010-2040 contains no right-of-way or construction dollars for dedicated truck lanes on I-15, and the financial feasibility of dedicated truck lanes has yet to be demonstrated. On the other hand, the reversible managed lanes for mixed flow traffic from SR-210 to US-395 has considerable potential for private funding and could realistically be under construction before year 2020.

Several interchange project development activities are underway on I-15 between SR-210 and US-395. The most immediate are the Ranchero Road interchange in Hesperia and the I-15/I-215 interchange in Devore. Indecision on dedicated truck lanes vs. reversible managed lanes could delay these projects and possibly affect their cost. In addition, simply assuming that dedicated truck lanes will be built in this corridor would have direct financial implications, and possibly affect the type of environmental documents anticipated on these interchange projects. In light of this, SANBAG staff recommends adopting the reversible managed lane alternative for purposes of near-term project development guidance for interchanges along Interstate 15. In addition to the managed lanes between SR-210 and US-395, this includes provision of an ultimate 5 mixed flow plus 1 HOV lane in each direction south of SR-210 and 4 mixed flow plus 1 HOV lane north of US-395. If dedicated

truck lanes are later determined to be financially feasible, the lead agency(ies) developing that project will need to determine how to integrate the truck lanes into the I-15 cross-section that will exist at that time for each of the interchanges.

- **Air quality implications of goods movement initiatives as they relate to the 2007 Air Quality Management Plan and the emission budget contained in the State Implementation Plan (SIP) for air quality.**
- **Relationship of the above to the Trade Corridor Improvement Fund (TCIF) under Proposition 1B.** Allocation of TCIF dollars is now projected to occur in the second half of fiscal year 2007/2008 according to recent information published on the California Transportation Commission website. A working group has been selected at the state level to develop guidelines for allocation of TCIF dollars. SANBAG is a member of the working group, which will have its first meeting on March 16, 2007. A draft comprehensive list of goods movement projects for San Bernardino County was provided to the Plans and Programs Committee at its January, 2007 meeting for purposes of inclusion in the MCGMAP. It is anticipated that projects to receive TCIF funds will be drawn from that project list.
- **Memorandum of Understanding (MOU) on goods movement with state and federal agencies.** An MOU has been under negotiation with state and federal agencies to establish of a process through which those agencies would share responsibility and work collaboratively with the Southern California transportation agencies to address the infrastructure needs, environmental effects, and community impacts of increasing goods movement through Southern California. A version of this MOU was approved by the SANBAG Board in October, 2006. Since that time, additional modifications have been made to the MOU as a result of input from federal partners. Although the central purpose and intent of the MOU have not changed, the possibility for additional modifications exists. An update will be provided at the PPC meeting on the status of the MOU and SANBAG's work with agency partners to finalize the MOU. The final revised MOU will be brought to the PPC for approval at a future meeting.

Financial Impact: This item is consistent with the approved Fiscal Year 2006-2007 SANBAG Budget.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on March 21, 2007. (*Meeting chaired by Paul Eaton*)

Responsible Staff: Ty Schuiling, Director of Planning and Programming
Steve Smith, Principal Transportation Analyst

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 7

Date: April 4, 2007

Subject: Victor Valley Area Transportation Study (VVATS)

*Recommendation:** Receive Report on the Progress of the Victor Valley Area Transportation Study

Background: For the past fourteen months, SANBAG with participation from the Cities of Adelanto, Hesperia, Victorville, Town of Apple Valley, County of San Bernardino and Caltrans has been working to develop a long range transportation plan for the Victor Valley, also known as the Victor Valley Area Transportation Study (VVATS). The consultant under contract for this study is Kimley-Horn and Associates, Inc. As part of the contract up to four presentations to the Mountain/Desert Committee are included in the scope of work. The first presentation to the Mountain/Desert Committee occurred on July 21, 2006. The first presentation included a discussion of the Existing Conditions Report that was submitted to staff in April 2006, an introduction to the Right of Way Preservation Strategy that was under development by the consultant team and an overview of the study milestones and the deliverables for the project.

J.D. Douglas made a presentation on the progress of VVATS to the Mountain/Desert Committee on March 16, 2007. The presentation included discussion of the Baseline Scenario and the various Alternative Scenarios that have been modeled to date. Mr. Douglas presented preliminary findings from the first set of alternative scenarios for key facilities throughout the Victor Valley, including three candidate major projects in the Victor Valley—the High Desert

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Approved
Board of Directors

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

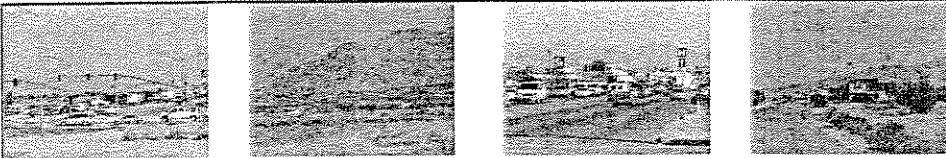
Corridor, the realigned US-395 and the Southeast Beltway. An overview of the remaining milestones and project deliverables remaining on the contract were discussed.

A copy of the PowerPoint presentation is included in this item. A full scale version is available upon request.

Financial Impact: This item has no direct impact on the adopted SANBAG Budget. Staff activities associated with this item are consistent with the adopted SANBAG Budget, Task No. 94507000, Victor Valley Area Transportation Study.

Reviewed By: This item was reviewed by the Mountain/Desert Committee on March, 16, 2007. *(Meeting Chaired by Rick Roelle.)*


Responsible Staff: Ryan Graham, Transportation Planning Specialist




Victor Valley Area Transportation Study: Study Alternatives

Presented to: SANBAG Mountain/Desert Committee

March 16, 2007




Kirtley-Horn
and Associates, Inc.



VICTOR VALLEY AREA TRANSPORTATION STUDY

- ◆ Future Baseline Conditions
- ◆ Alternatives (initial set)
- ◆ Findings from initial alternatives
- ◆ Alternatives (second set)
- ◆ Remaining milestones



Kirtley-Horn
and Associates, Inc.



VICTOR VALLEY AREA TRANSPORTATION STUDY



Future Baseline Conditions



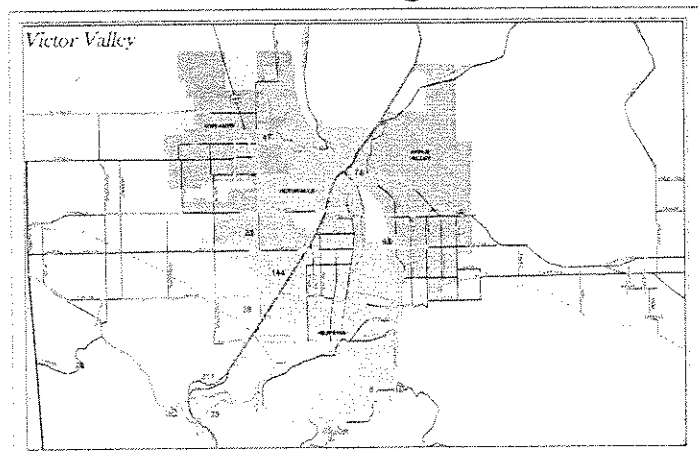
Kinley-Horn
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VICTOR VALLEY AREA TRANSPORTATION STUDY



Future Congestion



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VICTOR VALLEY AREA TRANSPORTATION STUDY



Alternatives (initial set)



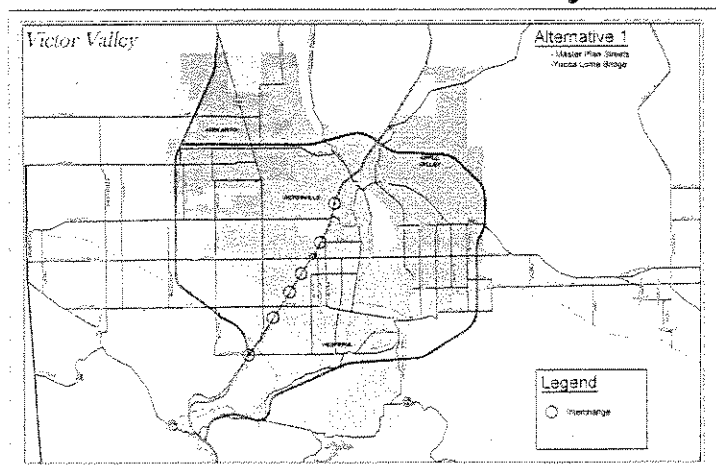
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VICTOR VALLEY AREA TRANSPORTATION STUDY



Alternative 1: Full System



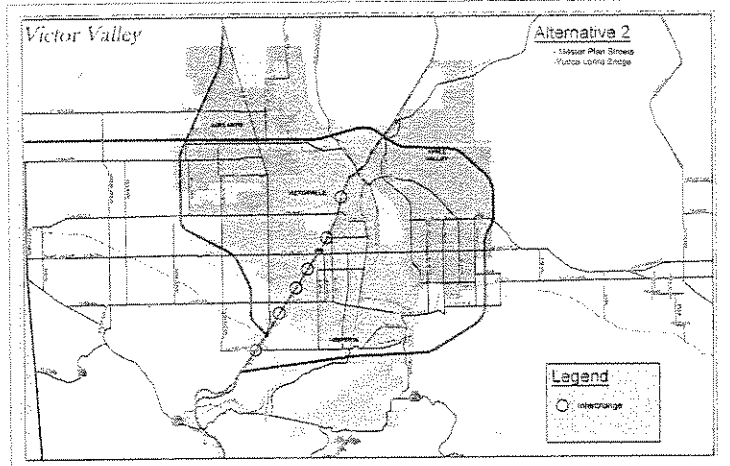
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VICTOR VALLEY AREA TRANSPORTATION STUDY



Alternative 2: Corridor Alignment Alts



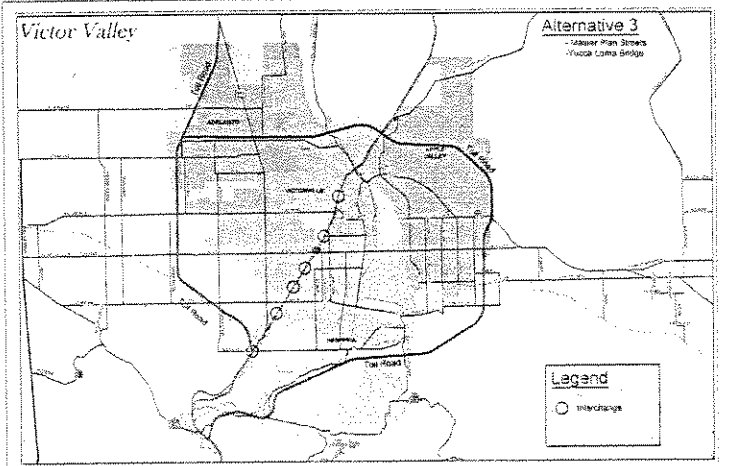
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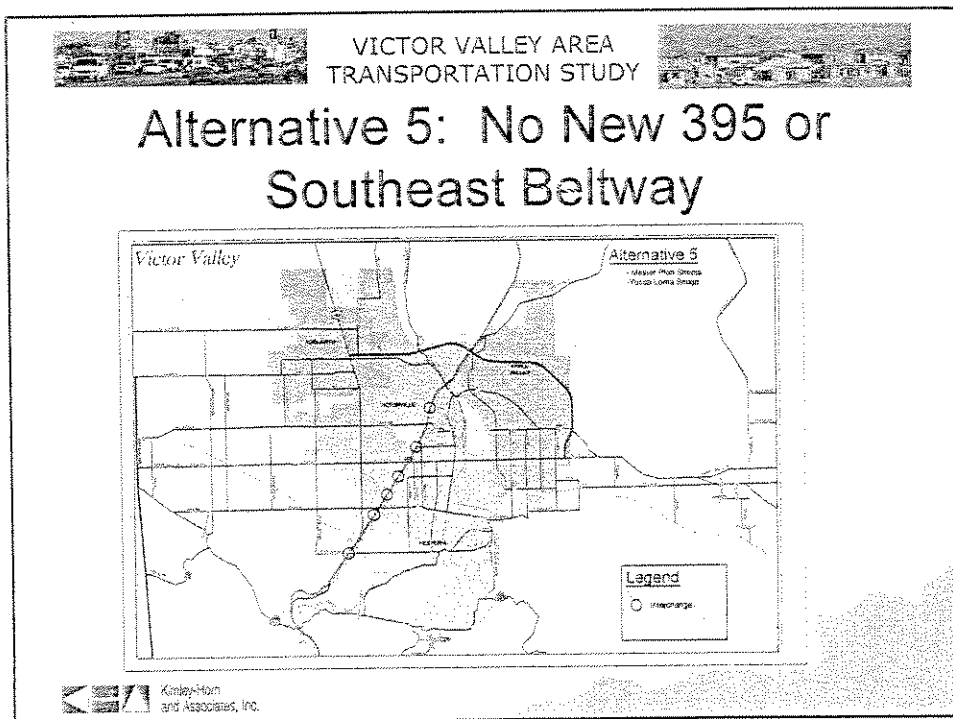
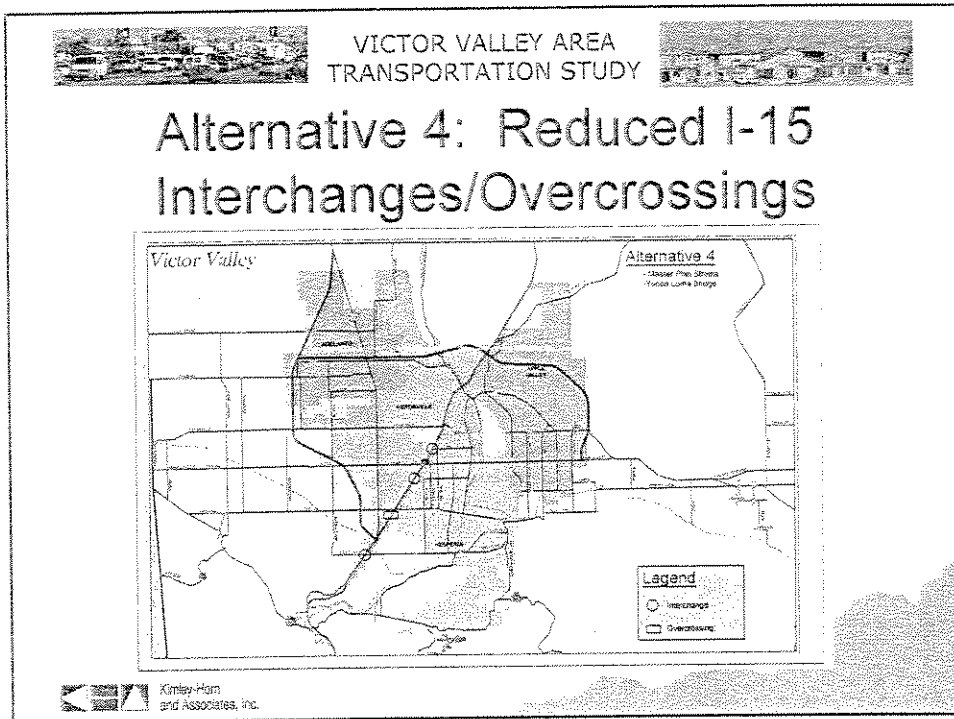
VICTOR VALLEY AREA TRANSPORTATION STUDY



Alternative 3: Corridor Tolls



Kimley-Horn
and Associates, Inc.





VICTOR VALLEY AREA TRANSPORTATION STUDY



Results of initial alternatives



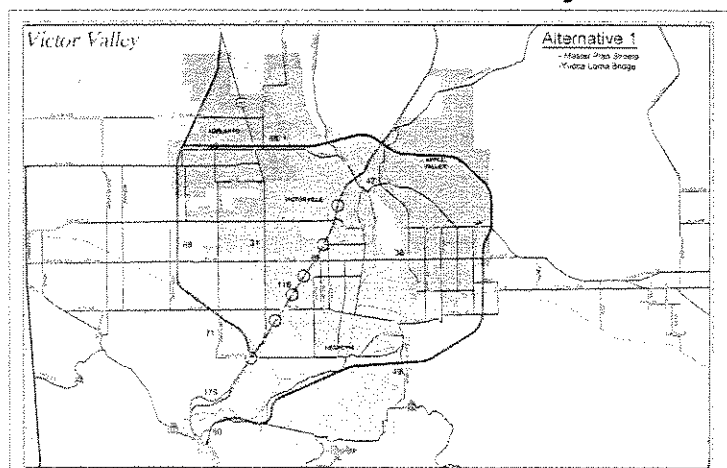
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VICTOR VALLEY AREA TRANSPORTATION STUDY



Alternative 1: Full System



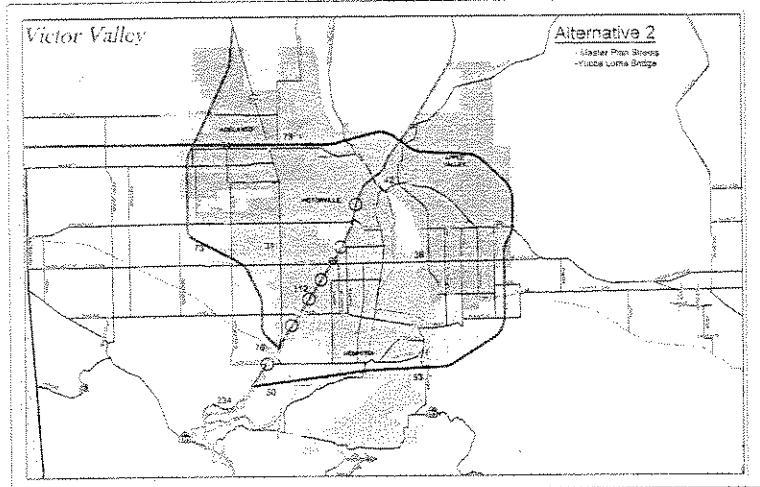
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VICTOR VALLEY AREA TRANSPORTATION STUDY



Alternative 2: Corridor Alignment Alts



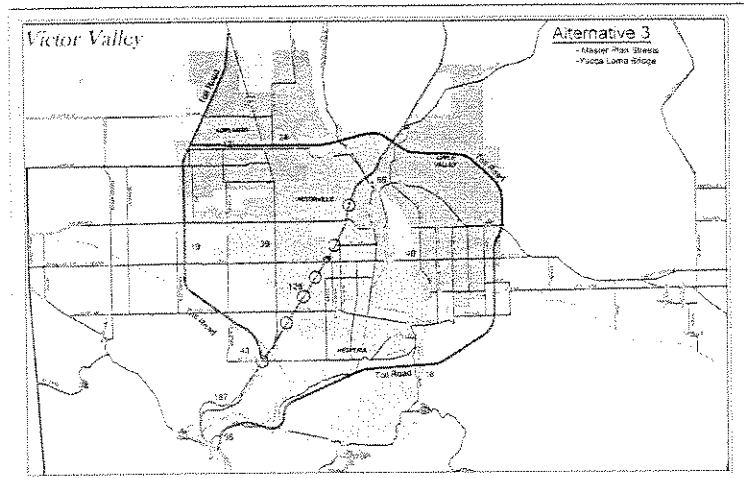
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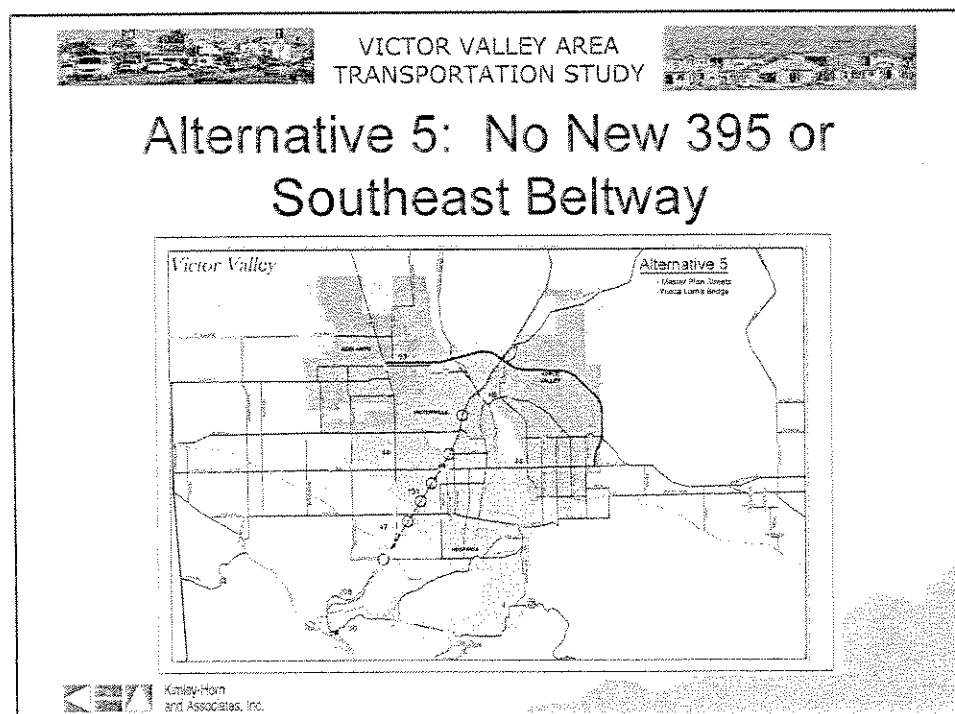
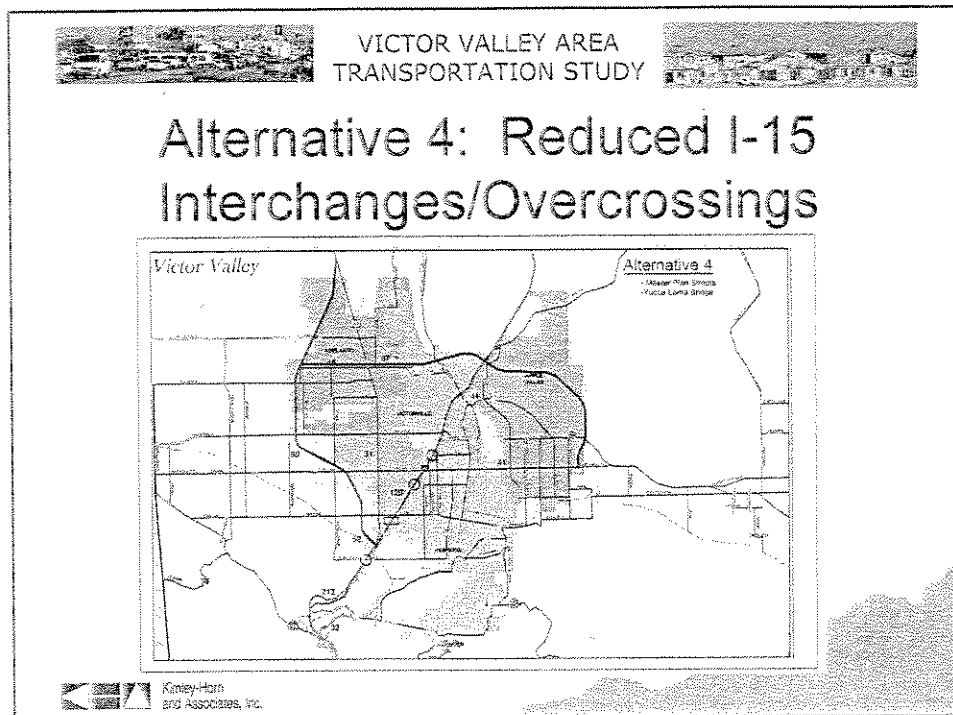
VICTOR VALLEY AREA TRANSPORTATION STUDY



Alternative 3: Corridor Tolls



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VICTOR VALLEY AREA TRANSPORTATION STUDY



Findings from initial alternatives



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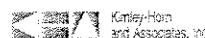


VICTOR VALLEY AREA TRANSPORTATION STUDY



Findings from initial alternatives

- ◆ Buildout of arterial system provides more than enough capacity for 2035.
- ◆ Congestion hot spots may still occur at interchanges on I-15.
- ◆ Southeast Beltway carries substantial volumes to I-15; demand is lower east of Mojave River.
- ◆ Existing US-395 remains congested even when widened to six lanes, if there is no realignment for US-395.
- ◆ Tolls divert a percentage of traffic, but volumes are still substantial.



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VICTOR VALLEY AREA
TRANSPORTATION STUDY



Remaining Milestones



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VICTOR VALLEY AREA
TRANSPORTATION STUDY



Remaining Milestones

- ◆ Complete Alternatives Analysis
- ◆ Identify Preferred Alternative
- ◆ Alignment of Southeast Beltway, environ. issues
- ◆ Public outreach meetings
- ◆ Develop Funding Plan
- ◆ Finalize ROW Preservation Plan
- ◆ Prepare Draft & Final Report



Kinley-Horn
and Associates, Inc.

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 8

Date: April 4, 2007

Subject: Two Mile Road Overlay and Widening Project

Recommendation:* Note presentation on the Two Mile Road Overlay and Widening Project

Background: On December 7, 2005, the Board allocated available Federal Surface Transportation Program Funds (STP) from SAFETEA-LU to Mountain/Desert jurisdictions. One of the projects identified in the December 7, 2005 Board action was the Two Mile Road Overlay and Widening Project in the City of Twentynine Palms.

At the June 7, 2006, the Board of Directors approved Contract Number 06-062 with the City of Twentynine Palms, which allocated \$456,300 in Measure I Valley Major Project Funds for project development and construction of the project. In the agreement, one of the requirements of the City of Twentynine Palms was to provide a presentation on the project to the Mountain/Desert Committee.

Richard Pederson, City Engineer for the City of Twentynine Palms made a presentation to the Mountain/Desert Committee on March 16, 2007, to report on the completion of the Two Mile Road Overlay and Widening project. This presentation fulfills the project presentation requirement contained in Contract Number 06-062.

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*Approved
Board of Directors*

Date: _____

Moved:

Second:

In Favor:

Opposed:

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Witnessed: _____

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94107000

A copy of the PowerPoint presentation is included in this item. A full scale version is available upon request.

Financial Impact: This item has no direct impact on the adopted SANBAG Budget. Staff activities associated with this item are consistent with the adopted SANBAG Budget, Task No. 94107000, Mountain/Desert Planning and Project Development.

Reviewed By: This item was reviewed by the Mountain/Desert Committee on March 16, 2007 (*Meeting Chaired by Mayor Rick Roelle.*)

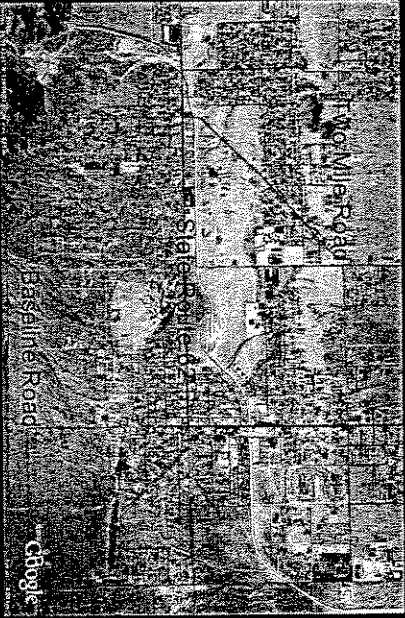
Responsible Staff: Ryan Graham, Transportation Planning Specialist



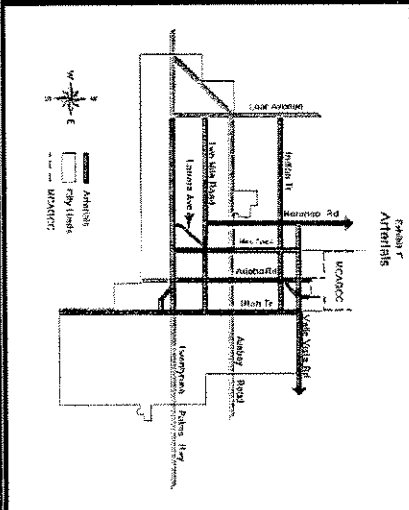
A Tale of Two Mile Road

March 16, 2007

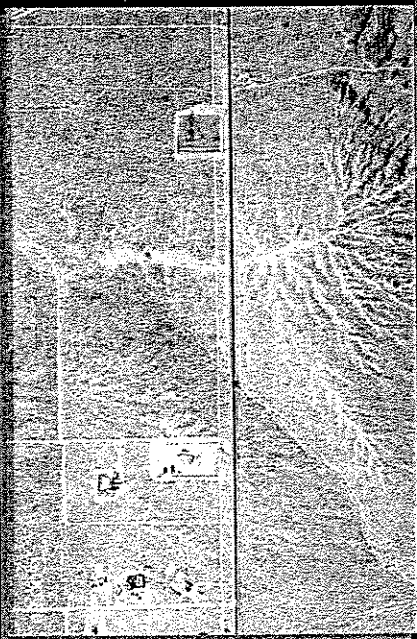
Vicinity Map



City's Circulation Element



A Little History



Extension of Two Mile Road



Eastbound - Before



Westbound - After



Eastbound - After

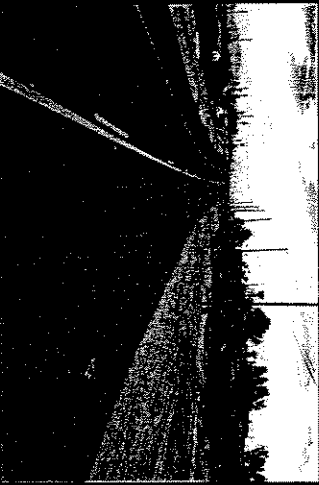


Project Description



- Limits : Adobe Road to Sunrise Avenue
- Length: 3.0 miles
- Widened a 26' wide, two lane road to 36' wide to accommodate three lanes
- Overlaid the entire width

Purpose of the Project



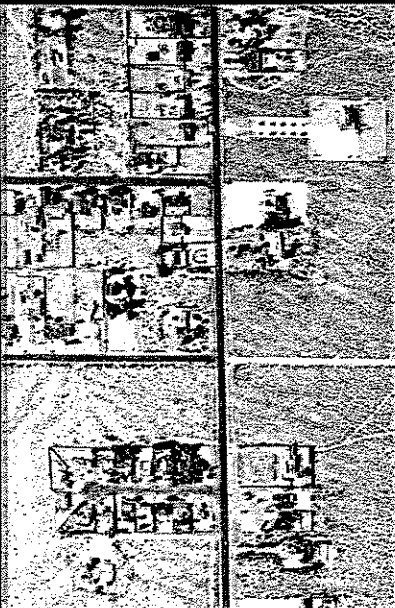
- High priority on the Pavement Management System. (Overlay \$ vs. Reconstruction \$).
- Improve safety by widening the road to provide for a continuous left turn lane.

Project Description



- Limits : Adobe Road to Sunrise Avenue
- Length: 3.0 miles
- Widened a 26' wide, two lane road to 36' wide to accommodate three lanes
- Overlaid the entire width

Improve Traffic Safety



Turning Lanes for Side Streets

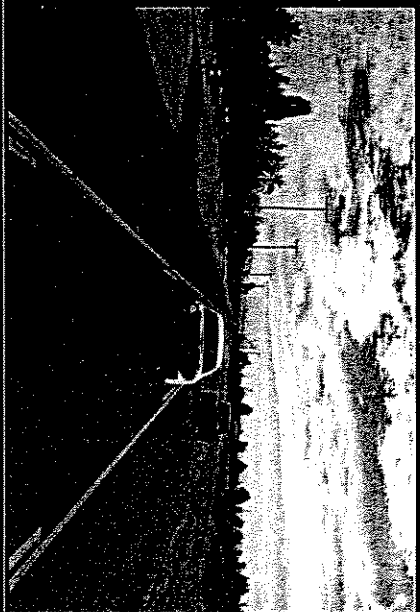


Cost of the Project



\$1,406,829

Turning Lane for Driveways



End of Presentation



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- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 9

Date: April 4, 2007

Subject: Morongo Basin Work Trip Travel Patterns

Recommendation:* Receive a Report on the Work Trip Travel Patterns for Workers Residing in the Morongo Basin and Commuting through the SR-62 Pass.

Background: Over the past year, staff has presented information on work trip travel patterns for each of the local jurisdictions in the Mountain/Desert subareas of San Bernardino County and provided a more focused analysis of the work trip travel patterns in the Cajon Pass by residents of the High Desert. This item builds on the previous material by providing a focused analysis of the work trip travel patterns in the SR-62 Pass.

All of the analysis on the work trip travel behavior conducted to date is based on the Census Transportation Planning Package (CTPP). The CTPP is a set of special tabulations from the decennial census designed for transportation planning purposes. The CTPP contains tabulations by place of residence, place of work, and for flows between home and work. The data are tabulated from answers to the Census 2000 long form questionnaire, mailed to one in six U.S. households. Because of the large sample size, the data can be a powerful basis for analyzing travel patterns for home-to-work trips. The CTPP provides comprehensive and cost-effective data, in a standard format, across the United States. It is a cooperative effort sponsored by the State Departments of Transportation under a pooled funding arrangement with the American Association of State Highway and Transportation Officials (AASHTO).

*

Approved
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

The previous analysis focused on travel patterns for work trips to and from each city in San Bernardino County. The two types of information presented at the jurisdictional level included:

- Where residents of each city work
- Where people employed in each city live

The CTPP data factors upward the one in six household surveys to derive the total number of daily work trips to and from each jurisdiction in year 2000, as estimated by the Census Bureau. In the CTPP data set, the employment estimates have not been updated to the current year, so the CTPP's employment estimates are not used. Instead, the commuting trends identified in the CTPP are applied to updated employment estimates for the Morongo Basin. The information is presented in Attachment A.

Unlike the High Desert, the distribution of "where residents of each city work" was not consistent for the jurisdictions of the Morongo Basin. The jurisdiction with the highest percentage of residents employed within the Morongo Basin is the City of Twentynine Palms and the jurisdiction with the highest percentage of residents employed down the pass is the Town of Yucca Valley. Both of the findings are intuitive. The higher percentage of residents employed within the Morongo Basin for the City of Twentynine Palms is due to the Twentynine Palms military base and the distance of its residents from the SR-62 Pass and the work centers of Riverside and San Bernardino Counties. The higher percentage of Yucca Valley residents employed down the pass is attributable to the City's close proximity to the SR-62 Pass and the employment centers of Riverside and San Bernardino Counties, especially the Coachella Valley.

Finally, the analysis shows that approximately residents 4,700 of the Morongo Basin commute down the pass daily, producing a total of approximately 9,400 daily work-related person-trips on the SR-62 in the pass. According to Caltrans, SR-62 at Pioneer Drive in Morongo Valley carries approximately 22,000 vehicles per day. Therefore, the work trips down the pass account for about 42% of the daily trips in the SR-62 Pass.

Financial Impact: This item has no financial impact. All staff activities are consistent with the adopted Budget, Task No 94107000, Mountain/Desert Planning.

Reviewed By: This item was reviewed by the Mountain/Desert Committee on March 16, 2007 (*Meeting Chaired by Mayor Rick Roelle.*)

Responsible Staff: Ryan Graham, Transportation Planning Specialist

Attachment A: Where Residents of the Morongo Basin Work

	2006 Workers	Morongo Basin		High Desert		Down SR-62		Total Workers
		%	#	%	#	%	#	
Yucca Valley	5,944	59.2%	3,520	1.6%	94	39.2%	2,330	5,944
Twentynine Palms	11,702	92.3%	10,795	0.9%	101	6.9%	806	11,702
SB County	9,336	82.0%	7,647	1.1%	101	17.0%	1,581	9,329
MB Total	26,982	81.4%	21,961	1.1%	296	17.5%	4,717	26,975

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 10

Date: April 4, 2007

Subject: US-395 Realignment Project Status Report

*Recommendation:** Receive report on activities related to the realignment of US-395

Background: On October 4, 2006, the Board of Directors approved Contract Number 07017 with UltraSystems Environmental for the preparation of a program level Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) for the realignment of US-395 through the Victor Valley jurisdictions of Adelanto, Hesperia, Victorville and the County of San Bernardino. The purpose of the EIR is to conduct the necessary technical studies and public outreach allowing the jurisdictions, Caltrans, and SANBAG to arrive at a consensus on the realignment of US-395 that can then be adopted into local jurisdiction general plans. Inclusion in local general plans will facilitate preservation of right-of-way for a future expressway/freeway, which is critical to the future transportation needs of the Victor Valley. The project was initiated in November 2006.

Since the approval of the contract SANBAG staff, staff from the local jurisdictions affected by the realignment project, and consultant staff have been working diligently on a number of project related issues. This agenda item will provide a summary of the work efforts on the project to date.

*

*Approved
Board of Directors*

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

An overview of the project and the three alignments to be evaluated in the EIR were presented by SANBAG at a Joint Council Meeting of the cities of Adelanto, Hesperia, Victorville and the Town of Apple Valley on January 29, 2007. The 1st District Supervisor, Brad Mitzelfelt, facilitated the meeting, which was held at the Mojave Desert Air Quality Management District Offices in the City of Victorville. The meeting was attended by at least four elected officials from each City/Town, (with the exception of three from Victorville) and the MDAQMD Board Chamber was filled to capacity with interested parties, including residents, developers and agency staff. A number of questions were asked by council members. The questions and answers provided by SANBAG staff are included in the meeting summary, included as Attachment A to this item.

At the February 20, 2007 Victorville City Council Meeting, the City of Victorville unanimously opposed Alternative H, one of the three alignments under consideration in the EIR. Alternative H is the northern most alignment and generally proceeds northerly from I-15 through what is now vacant land north of Bear Valley Road (Duncan Road) then swinging diagonally in a northwesterly direction until approximately Caughlin Road, at which point the alignment proceeds north into the City of Adelanto. The objection to Alternative H raised by the City of Victorville was based upon the angularity of the alignment and the number of streets that the alignment would cross at a skew. In addition, the City argued that Alternative H was incompatible with the planning and subdivision activity in that part of the City.

The first public open house was held on February 26, 2007, in Phelan at the Quail Valley Middle School. The open house was very well attended by the surrounding community. It is estimated that between 400-500 residents, developers, real estate agents, community leaders and agency staff attended the meeting. Attachment B provides a table with the distribution of residence or business locations for attendees that signed-in at the meeting. The figures are only for those participants that signed-in at the registration table, so not all people in attendance are reflected in the table. The general concerns expressed by participants at the public meeting include the impact of the facility on the rural quality of life in Phelan/Oak Hills, the potential loss of property, affect on property valuations, and disclosure requirements of the candidate alignments in a potential real estate transaction. A list of recurring themes that were expressed is included in the meeting summary for the public open house as Attachment C to this item.

Input over the past two months has been excellent and has provided a significant amount of information to consider as part of the process. SANBAG staff has been actively involved with Caltrans and local jurisdiction staff, residents and the development community to further refine the alignments so as to minimize the impacts on existing and future communities. UltraSystems has begun the biological surveys and other environmental analyses required as part of the CEQA document. The environmental studies will continue throughout the spring months and will be included in the draft EIR, which is anticipated to be released for public review and comment in late summer or early fall of this year.

The Mountain/Desert Committee is the steering committee for this project. Throughout the process, as additional information becomes available, SANBAG staff and consultant staff will continue to bring information on the project before this committee.

- Financial Impact:*** This item has no direct impact on the adopted SANBAG Budget. Staff activities associated with this item are consistent with the adopted SANBAG Budget, Task No. 94507000, Victor Valley Area Transportation Study.
- Reviewed By:*** This item was reviewed by the Mountain/Desert Committee on March 16, 2007 (*Meeting Chaired by Mayor Rick Roelle.*)
- Responsible Staff:*** Ryan Graham, Transportation Planning Specialist
Steve Smith, Principal Transportation Analyst

ATTACHMENT A:
Wrap-up Report for January 29, 2007 Joint City Council Meeting

MEETING NOTES

Meeting Date/Time: Monday, January 29, 2007, 6:00PM

Meeting Location: Mojave Desert AQMD, Board Chambers, 14306 Park Ave., Victorville, CA

Project: US-395 Realignment Program Environmental Impact Report

Meeting Purpose: Project Introduction, Joint City Council Meeting

Council District(s) Representatives:

San Bernardino County

Brad Mitzelfelt, San Bernardino County
Supervisor, 1st District

Adelanto

Jim Nehmens, Mayor
Charley B. Glasper, Mayor Pro Tem
Steven R. Baisden, Council Member
Scott A. McCauley, Council Member

Apple Valley

Rick Roelle, Mayor
Tim Jasper, Mayor Pro Tem
Scott Nassif, Council Member
Bob Sagona, Council Member

Hesperia

Rita K. Vogler, Mayor
Mike Leonard, Mayor Pro Tem
Ed Pack, Council Member
Thurston "Smitty" Smith, Council Member

Victorville

JoAnn Almond, Mayor Pro Tem
Bob Hunter, Council Member
Mike Rothschild, Council Member

SANBAG Representatives: Deborah Barmack, Director of Management Services
Steve Smith, Principal Transportation Analyst
Ryan Graham, Transportation Planning Specialist
Cheryl Donahue, Public Information Officer

Ultrasystems: Gene Anderson, Director of Environmental Services

Lee Andrews Group: Roxi Reeves, Community Outreach
Joan Early, Vice President/Operations

Presenters: Deborah Barmack, Director of Management Services, SANBAG
Presented an overview of project history
Gene Anderson presented a program overview.
Both utilized a power point presentation format.

This meeting was recorded on audiotape.

The audience of the Board Chamber room was full – all seats occupied. Registration was optional, so no count of attendees was prepared. Comment sheets were provided to the audience and approximately two were submitted to SANBAG. A total of 19 public attendees registered to be added to the mailing list for future project information updates.

Following presentations by Deborah Barmack and Gene Anderson, the panel asked questions of the project team.

Following are the salient points of the question and answer period:

(Q) Adelanto Mayor Pro Tem Charley Gasper expressed concern regarding the US-395 terminus, asking what funding would be necessary in order to take E-220 (the High Desert Corridor) beyond existing US-395 to the west.

(A) Deborah indicated that there is an environmental document under preparation as far as existing US-395. Part of the current SANBAG EIR for US-395 includes the preservation of an alignment for the High Desert Corridor from existing US-395 to the realigned US-395. There is also another phase of the High Desert Corridor that will take it to the Antelope Valley. It is not the intention of the project to dump traffic into any community. There will be phased implementation of the High Desert Corridor, and we will have to work through the phases so as to minimize the impacts. There is currently no funding source available for either the first phase of the High Desert Corridor through Apple Valley and Victorville, nor for the additional phases to the west. There is a symbolic amount of funding for the E-220 west of existing US-395. There is some expectation that private sector investors may be interested in participating in development of the E-220.

(Q) Victorville Council Member Mike Rothschild asked: 1) If SANBAG's Board has a veto over the additional alternatives Caltrans will be studying, and 2) Why is SANBAG studying 3 alternatives while Caltrans is studying 5 alternatives in addition to ours?

(A) Gene Anderson clarified that the three alternatives being studied in the SANBAG EIR are being included in the Caltrans EIR/EIS along with the earlier alternatives identified by Caltrans in the 2001 Project Study Report. Caltrans will be looking at all eight alternatives. The five were identified in 2001, and Caltrans is required in the Federal process to look at all the alternatives that are before them. Some of the alternatives are problematic in some way, but that does not eliminate the requirement for Caltrans to look at all eight. What we are trying to accomplish is to preserve the right-of-way for a preferred alternative, which we hope will give it some priority over the others.

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Board of Directors

April 4, 2007

Page 6

SANBAG's program EIR will result in a preserved right-of-way which will give it fewer environmental obstacles to overcome than Caltrans' Alternatives A through E. Deborah Barmack reiterated that both the SANBAG Program EIR and the Caltrans EIR/EIS are proceeding in parallel.

(Q) Victorville Council Member Mike Rothschild asked why there isn't a primary alignment selected based on engineering information, rather than giving each alternative equal evaluation? Mr. Rothschild indicated that there should be a primary and secondary organization of the alternatives. One alternative should be the best, based on its resolving the traffic issues, etc. Mr. Rothschild asked if SANBAG has made decisions regarding the alignment alternatives without input from the SANBAG Board.

(A) Gene Anderson indicated that we have not conducted any of the technical studies yet, so it would be difficult to identify a preferred alignment at this point. Giving them equal treatment is appropriate at this point, based on the limited information we currently have. Deborah Barmack indicated that the SANBAG Board will make the final decision on the preferred alignment for right-of-way preservation. All of the technical data and public input will be provided to policy makers for them to be able to make the decision. Steve Smith advised that we will need a preferred alignment at the end of the project that all the jurisdictions can support. There are many difficult issues that exist - some are engineering, some are environmental and some are community impacts. We are designing this as an open process with extensive opportunity for input from many parties. The Program EIR is designed to gather as much information and feedback as possible about the alternatives and to have the SANBAG Board of Directors make the final determination about the preferred alignment. This is an 18-month process for elected officials and the public. It is imperative that we make the right decision. Making the wrong alignment decision will be worse than making no decision at all.

(Q) Adelanto Mayor Jim Nehmens indicated that whatever realignment is selected, the alignment through Adelanto stays constant. It is critical that the E-220 be extended to the realigned route. It cannot stop at the old 395. The City's opinion is that this should be included in Phase I.

(A) Deborah - The SANBAG EIR is designed to preserve the High Desert Corridor alignment westerly to the realigned US-395.

(Q) Adelanto Mayor Pro Tem Charley Glasper - asked that the dotted-red line for the High Desert Corridor be extended westerly to the realigned US-395 to indicate that the section through Adelanto should be considered as more of an integrated part of the High Desert Corridor section through Victorville.

(Q) Apple Valley Council Member Bob Sagona asked what the reconciliation of the alignment will be between SANBAG and Caltrans.

(A) Deborah - We expect to be sharing our findings and concerns throughout both the SANBAG study and the longer Caltrans EIR/EIS. We have been working hand-in-hand with Caltrans and have had excellent cooperation so far. We are working on a process that we hope will meet both of our objectives and the needs of the communities.

Following the question and answer period, the public comment period was announced. Speaker cards had been provided and none were submitted. No verbal public comment was received. Large maps of the corridor alignments were set up so that the public could view them following the meeting.

The public meeting scheduled for February 26th was announced and flyers were distributed at this meeting.

Meeting Adjourned - 7:30PM

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Attachment B:
Residential/Business Distribution of Registered Attendees at
February 26, 2007 Public Open House Meeting

Resident/Business Location	Number	Percentage
Adelanto	1	0.43%
Apple Valley	6	2.56%
Baldy Mesa	6	2.56%
Hesperia	3	1.28%
Las Vegas	3	1.28%
Oak Hills	84	35.90%
Phelan	75	32.05%
Pinon Hills	1	0.43%
Victorville	37	15.81%
Wrightwood	1	0.43%
LA County	2	0.85%
Orange County	4	1.71%
San Bernardino Valley	2	0.85%
Riverside County	4	1.71%

**Attachment C:
Wrap-up Report for February 26, 2007 Public Open House Meeting**

WRAP-UP REPORT

Meeting Date/Time: Monday, February 26, 2007, 5:30 – 7:30PM

Meeting Location: Quail Valley Middle School, 10058 Arrowhead Road, Phelan, CA 92371

Project: US-395 Realignment Program Environmental Impact Report

Meeting Purpose: Open House – Public Information Meeting

SANBAG Representatives: Deborah Barmack, Director of Management Services
Steve Smith, Principal Transportation Analyst
Ryan Graham, Transportation Planning Specialist
Cheryl Donahue, Public Information Officer

Ultrasystems: Gene Anderson, Director of Environmental Services
Michael Rogozen - Air Quality
Tony Chakurian, Leighton Consulting, Inc. - Geotechnical
Tom Tang, CRM Tech, Inc. - Cultural Resources Representative:
Mujib Ahmed, Katz Okitsu & Associates, Inc. - Katz Okitsu – Traffic
Sandra Murcia, UltraSystems - Biological Resources

Lee Andrews Group: Roxi Reeves, Community Outreach
Joan Early, Vice President/Operations
Sylvia Palafox, Community Outreach & Bilingual Services

Caltrans Dennis Green, LAN Engineering (On contract to Caltrans)
Irene Dominguez, Caltrans Environmental
Boniface Udator, Caltrans Environmental
Terri Kasinga, Caltrans Public Information
John Ashton, Caltrans Project Management

Public Outreach

Database Mailing –Meeting Fliers and Fact Sheets were mailed to SANBAG’s database of approximately 1350 contacts which include property owners and occupants of properties located within 500 feet of the alignment alternatives being studied.

Media – A press release was sent to local newspapers and radio stations and posted to the SANBAG website. Notice of the meeting was printed in the Daily Press and was announced on Clear Channel Radio.

SANBAG Website – Announced meeting time and location.

Board of Directors

April 4, 2007

Page 9

Flier Distribution – Fliers were distributed through:

Adelanto, Victorville & Hesperia Chambers of Commerce
Adelanto, Victorville & Hesperia Public Libraries
San Bernardino and Victorville Land Development Offices

Mojave Water Agency
Baldy Mesa Water District
January 29, 2007 Joint City Council Meeting

Meeting Re-cap

- Attendees began arriving at about 5:00PM and were asked to register. Information requested at the time of registration included mailing address, telephone and e-mail addresses so that they could be informed of future public information on the project.
- Printed materials were distributed to all attendees which included the US-395 Project Fact Sheet, Frequently Asked Questions and Answers, Comment Sheets and the planned Community Outreach Schedule. Approximately 70 11x17 alignment maps were distributed, and additional guests requested that they receive this map via mail. Their mailing information was provided to SANBAG for mailing of the 11x17 maps. Other guests were advised that the larger maps will also be distributed at future meetings
- 231 attendees registered, although it is estimated that between 400 and 500 people attended (based on the quantity of printed materials distributed and a review of the sign-in sheets, which included many husband-wife duos). SANBAG has added the participants that registered at the meeting to the project database.
- 55 comment sheets were returned to SANBAG at the meeting. SANBAG has logged the public comments into the project database.
- Photographs of the event were taken by Lee Andrews Group, Inc.

Meeting Format

- The style of the meeting was a public open house. SANBAG, Caltrans, and consultant staff manned stations throughout the Quail Valley Middle School Multi-purpose Room and were available to answer questions asked by the public. Technical staff answered questions related to the alignments, the EIR process and the environmental areas being studied.
- The stations included at the public open house included: a project registration table (LA Group and SANBAG), enlarged aerial photographs for segments of the three alternative alignments (SANBAG), an air quality table (UltraSystems), a table featuring traffic exhibits (Katz, Okitsu and Associates), a geotechnical exhibit (Leighton), a cultural impacts table (CRM Tech) and a biological resources table (UltraSystems).

Meeting Adjourned – 7:30PM – (although one individual arrived at 7:45PM and was provided with project information materials and a re-cap of the project meeting by Deborah Barmack (SANBAG).

Recurring Themes/Questions

- There were a number of recurring themes/questions at the public open house. They included:
 - The impact of the project on the rural quality of life in Phelan/Oak Hills.
 - The potential loss of property and the use of eminent domain by the government.
 - Compensation for property owners on or next to one of the candidate alignments.
 - The process for determining valuation of property.
 - The timeline for property selection of an alignment, right-of-way acquisition and construction.
 - Why wasn't the project constructed 20 years ago?
 - Why can't the existing alignment be widened to accommodate the freeway?
 - The disclosure requirements of the candidate alignments in a real estate transaction
 - Concerns about the validity of the environmental process.
 - Is the project really going to be built?

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Minute Action

AGENDA ITEM: 11

Date: April 4, 2007

Subject: City of Rialto Project Advancement Agreement

Recommendation:*

1. Approve Project Advancement Cooperative Agreement C07170 with the City of Rialto for the I-10/Riverside Avenue Interchange Project with an extended construction start date of January 1, 2009.
2. Direct staff to work with local jurisdictions with existing project advancement agreements to afford the opportunity to extend the construction start date to January 1, 2009.

Background: A strategy to advance SANBAG Nexus Study interchange, arterial, and grade separation projects to construction prior to the availability of Measure I 2010-2040 revenues was approved by the Board in December 2005. A model interagency agreement to implement the program was approved by the Board in April 2005.

The City of Rialto has approved the attached Cooperative Agreement for the I-10/Riverside Avenue Interchange project and is requesting approval by the Authority. The agreement commits the Authority to reimbursement of up to \$17,382,581 in Measure I 2010-2040 revenues dedicated to Interchange Projects. The reimbursement schedule will be determined by the Measure I 2010-2040 Strategic Plan. Note that the March 7, 2007, Board action approving the 2006 State Transportation Improvement Program (STIP) Augmentation programming allocated \$1.452 million to fully fund the public share of the right-of-way phase

Approved
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

of this project. This agreement will fully fund the public share through construction.

The City of Rialto has requested that the January 1, 2008, deadline for start of construction that was established for project advancement projects be extended to January 1, 2009. While it may have been possible for the City to meet the January 1, 2008, construction deadline with a three-phase construction strategy, the extended deadline will allow the City to pursue a one-phase construction strategy that is estimated to reduce the construction phase by nine months resulting in fewer disruptions to the traveling public. Even with the extended deadline, construction under the one-phase strategy is expected to be complete one month prior to the three-phase strategy.

This commitment represents 3.5 percent of the Measure I revenue dedicated to Interchange Projects. When considered with all Interchange advancement agreements approved to date, the agreements represent 6 percent of the total Measure I revenue dedicated to these projects. Table 1 summarizes these commitments as well as other project advancement agreements that have been approved since development of this program.

Financial Impact: The agreement commits the Authority to reimbursement of up to \$17,382,581 in Measure I 2010-2040 revenues dedicated to Interchange Projects. The reimbursement schedule will be determined by the Measure I 2010-2040 Strategic Plan.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on March 21, 2007. This agreement has been reviewed by Counsel. *(Meeting chaired by Paul Eaton)*

Responsible Staff: Andrea Zureick, Senior Transportation Analyst
Ty Schuiling, Director of Planning and Programming

SANBAG Contract No. C07170

by and between

San Bernardino County Transportation Authority

and

City of Rialto

for

I-10/Riverside Avenue Interchange Project**FOR ACCOUNTING PURPOSES ONLY**

<input checked="" type="checkbox"/> Payable	Vendor Contract # _____	Retention:	<input checked="" type="checkbox"/> Original
<input type="checkbox"/> Receivable	Vendor ID _____	<input type="checkbox"/> Yes _____ % <input checked="" type="checkbox"/> No	<input type="checkbox"/> Amendment

Notes: This is a Measure I 2010-2040 Project Advancement Agreement with reimbursement schedule to be determined through the Measure I 2010-2040 Strategic Plan

Original Contract:	\$ <u>17,382,581</u>	Previous Amendments Total:	\$ _____
		Previous Amendments Contingency Total:	\$ _____
Contingency Amount:	\$ _____	Current Amendment:	\$ _____
		Current Amendment Contingency:	\$ _____

Contingency Amount requires specific authorization by Task Manager prior to release.

Contract TOTAL → \$ 17,382,581

↓ Please include funding allocation for the original contract or the amendment.

Task	Cost Code	Funding Sources	Grant ID	Amounts
TBD - See note above	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____

Original Board Approved Contract Date: <u>4/4/07</u>	Contract Start: <u>4/4/07</u>	Contract End: <u>TBD</u>
New Amend. Approval (Board) Date: _____	Amend. Start: _____	Amend. End: _____

If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:

Approved Budget Authority →	Fiscal Year: _____ \$ _____	Future Fiscal Year(s) - Unbudgeted Obligation →	\$ _____
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Is this consistent with the adopted budget? ☒ Yes ☐ No

If yes, which Task includes budget authority? N/A

If no, has the budget amendment been submitted? ☐ Yes ☐ No

CONTRACT MANAGEMENT

Please mark an "X" next to all that apply:

☒ Intergovernmental ☐ Private ☐ Non-Local ☐ Local ☐ Partly Local
Disadvantaged Business Enterprise: ☐ No ☐ Yes _____ %Task Manager: **Ty Schuiling**Contract Manager: **Andrea Zureick**

Task Manager Signature

Date

Ty Schuiling 3/26/07

Contract Manager Signature

Date

Andrea Zureick 3/26/07

Chief Financial Officer Signature

Date

Filename: C07170

**COOPERATIVE AGREEMENT NO. C07170
BETWEEN**

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

AND

CITY OF RIALTO

FOR

I-10 / RIVERSIDE AVENUE INTERCHANGE

THIS AGREEMENT is made and entered into this _____ day of 2007 by and between the San Bernardino County Transportation Authority (hereinafter referred to as "SANBAG") and the City of Rialto (hereinafter referred to as "CITY").

WITNESSETH

WHEREAS, the SANBAG Nexus Study and the Measure I 2010-2040 Expenditure Plan identified freeway interchange, major street, and railroad grade separation projects eligible for partial funding from Measure I 2010-2040 revenues; and

WHEREAS, CITY wishes to begin construction of the I-10/Riverside Avenue Interchange (hereinafter referred to as the "PROJECT") by January 1, 2009; and

WHEREAS, SANBAG has determined that this PROJECT is defined within the SANBAG Nexus Study within the urban areas of the county or the Measure I 2010-2040 Expenditure Plan within the non-urban areas of the county; and

WHEREAS, since revenue from Measure I 2010-2040 will not be available until 2010 or later, CITY desires to use its own local (non-SANBAG) funds to construct the PROJECT at this time; and

WHEREAS, SANBAG and CITY are entering into this Agreement that will allow CITY to use funds not contributed or allocated by SANBAG to implement the PROJECT immediately with the understanding that SANBAG will reimburse CITY for eligible PROJECT expenditures at a later date with Measure I 2010-2040 revenue and in accordance with the reimbursement schedule established in the Measure I 2010-2040 Strategic Plan.

NOW, THEREFORE, SANBAG and CITY agree to the following:

SECTION I

SANBAG AGREES:

1. To reimburse CITY for those eligible PROJECT expenses that are incurred by CITY for the PROJECT-specific work activities, as set forth in Attachment A to this Agreement. Said reimbursement amount shall not exceed the percentage of actual cost as set forth in the SANBAG Nexus Study, up to \$17,382,581. The SANBAG Nexus Study states an actual cost of \$30,400,000. In the event that the project cost is lower, the reimbursement percentage shall apply. In this event, the reimbursement shall be calculated as follows:
 - a. Subtract \$1,600,000 in Federal Highway Administration High Priority Grant funds from the actual cost, as documented following the procedures outlined in SECTION II below;
 - b. Subtract \$2,857,050 in Federal Highway Administration Interstate Maintenance Discretionary Grant funds from the actual cost, as documented following the procedures outlined in SECTION II below;
 - c. Multiply the result by the reimbursement percentage (72.6%, from the SANBAG Development Mitigation Nexus Study, 2005);
 - d. Subtract \$1,452,000 in State Transportation Improvement Program (STIP) funds from the result, as documented following the procedures outlined in SECTION II below.

In the event that all or a portion of the Federal Highway Administration grant funds or STIP funds identified above are not available for application to this project, the reimbursement amount shall be recalculated to reflect the change in funding. In the event that additional Federal Highway Administration grant funds or other transportation funds are applied to this project (in addition to the grant listed above) the reimbursement amount shall be recalculated to reflect the change in funding.

These calculations are based on the principles contained in Chapter 4, Section 4B of the 2005 Congestion Management Program prepared by the San Bernardino County Congestion Management Agency (CMA), adopted by the CMA in November, 2005. The two pertinent principles are:

- Federal or state appropriations from transportation sources for specific projects will reduce the project costs, not just reduce the required developer mitigation. The percentage share of the remaining project costs allocated to development and other sources will remain the same.
- Funds generated by local jurisdictions from non-transportation sources (federal, state or other) will be eligible for credit against local fair-share development contributions. In addition, SANBAG may permit the use of transportation dollars (federal or state appropriations) as a credit against local fair-share development contributions on an exception basis, when the

local jurisdiction shows that such transportation dollars are net “new” dollars to the regional transportation system.

2. To reimburse CITY, subject to Article 1 of this Section I, in accordance with the reimbursement terms set forth in the Measure I 2010-2040 Strategic Plan and after CITY submits to SANBAG an original and two copies of the signed invoices in the proper form covering those actual allowable PROJECT expenditures that were incurred by CITY.
3. When conducting an audit of the costs claimed under the provisions of this Agreement, to rely to the maximum extent possible on any prior audit of CITY performed pursuant to the provisions of state and federal laws. In the absence of such an audit, work of other auditors will be relied upon to the extent that work is acceptable to SANBAG when planning and conducting additional audits.

SECTION II

CITY AGREES:

1. Subject to Article 1 of Section I, that only eligible PROJECT-specific work activities, as set forth in Attachment A to this Agreement, which are for transportation purposes that conform to the SANBAG Nexus Study and/or the Measure I 2010-2040 Expenditure Plan, will be eligible for future Measure I 2010-2040 reimbursement. CITY agrees that for work it will later claim reimbursement hereunder, it will only undertake eligible PROJECT-specific work activities.
2. To abide by all State and, if applicable, federal policies and procedures pertaining to the PROJECT.
3. After completion of the PROJECT, to prepare and submit to SANBAG an original and two copies of signed invoices for subsequent reimbursement of those eligible PROJECT expenses. CITY further agrees and understands that SANBAG will not reimburse CITY for a) any PROJECT expenditures that are not described in the PROJECT-specific work activities and/or b) any PROJECT expenditures that occur prior to the date of execution of this Agreement.
4. If Measure I 2010-2040 reimbursement funds are received by CITY, to repay to SANBAG any costs that are determined by subsequent audit to be unallowable within thirty (30) days of CITY receiving notice of audit findings. Should CITY fail to reimburse moneys due SANBAG within (30) days of demand, or within such other period as may be agreed between both parties hereto, SANBAG reserves the right to withhold future payments due CITY from any source under SANBAG’s control.

5. To maintain all source documents, books and records connected with its performance under this Agreement for a minimum of five (5) years from the date of the Final Report of Expenditures submittal to SANBAG or until audit resolution is achieved and to make all such supporting information available for inspection and audit by representatives of SANBAG. Copies will be made and furnished by CITY upon request, but in no case less than five (5) years from the date of final reimbursement payment, if said reimbursement occurs under this Agreement.
6. To establish and maintain an accounting system conforming to Generally Accepted Accounting Principles (GAAP) to support CITY request for reimbursement, payment vouchers, or invoices which segregate and accumulate costs of PROJECT work elements and produce monthly reports which clearly identify reimbursable costs, matching fund costs, and other allowable expenditures by CITY.
7. To prepare a Final Report of Expenditures, including a final invoice reporting the actual eligible PROJECT costs expended for those activities described in the work activities, and to submit that Report and invoice no later than 60 days following the completion of those expenditures. The Final Report of Expenditures, three copies of which report shall be submitted to SANBAG, must state that these PROJECT funds were used in conformance this Agreement and for those PROJECT- specific work activities described.
8. To have a PROJECT-specific audit completed by SANBAG upon completion of the PROJECT. The audit must state that all funds expended on the PROJECT were used in conformance with this Agreement.
9. CITY agrees that PROJECT reimbursement schedule will be determined as part of the Measure I 2010-2040 Strategic Plan.
10. CITY agrees to post signs on ends of PROJECT noting that PROJECT is funded with Measure I funds. Signs shall bear the logos of San Bernardino Associated Governments and the City of Rialto.

SECTION III

IT IS MUTUALLY AGREED:

1. SANBAG's financial responsibility shall not exceed \$17,382,581 (as adjusted based on the availability of federal and State transportation funding as described in SECTION I) or the amount based on actual cost as derived in SECTION I, whichever is less.

2. Eligible PROJECT reimbursements shall include only those costs incurred by CITY for PROJECT-specific work activities that are described in this Agreement and shall not include escalation, interest, or other fees.
3. SANBAG shall have no responsibility to reimburse any otherwise allowable PROJECT expenditures until a date to be determined by the Measure I 2010-2040 Strategic Plan, nor will SANBAG reimburse CITY those said expenditures unless and until such time as a) sufficient Measure I 2010-2040 revenue exists to fund those eligible PROJECT reimbursements and b) CITY has satisfied any and all other necessary PROJECT requirements including the submission of all required invoices and Reports.
4. Once reimbursement is initiated in accordance with a schedule determined through the Measure I 2010-2040 Strategic Plan, total reimbursements to all eligible advanced projects shall not exceed 40 percent of the revenues allocated to the program categories from which the projects will be funded. Reimbursement shall be provided in proportion to the share of total reimbursable cost represented by each project. Reimbursement in full for eligible costs shall be completed no later than receipt of final revenues generated by Measure I 2010-2040.
5. In the event CITY fails to initiate construction by January 1, 2009, fails complete the PROJECT commenced under this Agreement, fails to perform any of the obligations created by this Agreement, or fails to comply with applicable state and, if applicable, federal laws and regulations, SANBAG reserves the right to terminate this Agreement and any subsequent funding for the PROJECT or a portion thereof upon written notice to CITY. CITY may only be reimbursed for those eligible PROJECT expenditures that occur prior to the date of termination when successfully completed as provided for pursuant to this Agreement. An audit may be performed as provided in Section II, Article (8) of this Agreement.
6. Neither SANBAG nor any officer or employee thereof is responsible for any injury, damage or liability occurring or arising by reason of anything done or omitted to be done by CITY under or in connection with any work, authority or jurisdiction delegated to CITY under this Agreement. It is understood and agreed that, pursuant to Government Code Section 895.4, CITY shall fully defend, indemnify and save harmless SANBAG, its officers and employees from all claims, suits or actions of every name, kind and description brought for or on account of injury (as defined by Government Code Section 810.8) occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority or jurisdiction delegated to CITY under this Agreement.
7. This Agreement will be considered terminated upon reimbursement of eligible costs by SANBAG.

**San Bernardino County
Transportation Authority**

City of Rialto

By: _____
Dennis Hansberger
President, SANBAG Board of
Directors

By: _____
Henry T. Garcia
City Administrator

Date: _____

Date: _____

APPROVED AS TO FORM AND
PROCEDURE:

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
Jean-Rene Basle
SANBAG County Counsel

By: _____
Robert A. Owen
City Attorney

Date: _____

Date: _____

ATTACHMENT A

Project Specific Work Activities

The project specific work activities for I-10 Riverside Interchange Improvements are as follows.

- Between the Union Pacific Railroad (UPRR) tracks and the eastbound ramps, realign lanes to provide three through lanes northbound and two through lanes southbound.
- Replace the I-10/Riverside Avenue bridge structure to provide three through lanes northbound and two through lanes southbound, with side-by-side dual left-turn lanes for the interchange.
- Widen Riverside Avenue northbound between the westbound ramps and Valley Boulevard to three through lanes north and a dual left turn onto westbound Valley Boulevard.
- Widen Riverside Avenue southbound between the westbound ramps and Valley Boulevard to three through lanes south with a dedicated right-turn pocket onto westbound entrance ramp and a 1.2 meter (4-foot) bike lane. The right-turn pocket starts approximately 300 meters (984 feet) from the end of the curb return to the ramp intersection.
- Each of the entrance and exit ramps will be reconstructed and widened to provide three lanes at the intersections. The existing interchange entrance and exit ramp noses at the freeway will be realigned and reconstructed to accommodate the new Riverside Avenue and ramp profiles and the ultimate I 10 cross section.
- Retaining walls will be constructed inside the southern and northern Caltrans right-of-way lines to support the new profiles of the ramps.
- Along and parallel to the I-10 freeway lanes, an auxiliary lane of 400 meters (1,312 feet) will be provided for the two-lane eastbound exit ramp, and a deceleration lane of approximately 200 meters (656 feet) will be provided for the single-lane westbound exit ramp.
- Sidewalks, 1.5-meters (5 feet) wide will be provided on both sides of the bridge.
- Road striping will be replaced along Riverside Avenue between Slover Avenue and Valley Boulevard to correspond with the reconstruction.
- Approximately 76 meters (249 feet) of the existing raised median in Riverside Avenue north of the Valley Boulevard intersection will be reconstructed to allow for lane alignment.
- A portion of the concrete-lined drainage channel (I-10 Channel) along the north side of and parallel to the westbound entrance ramp will be replaced with a reinforced concrete box (RCB).
- A section of reinforced concrete rectangular channel (Rialto Channel) on the north side of and perpendicular to the westbound entrance ramp will be extended with a 4.6 x 4.6 meter (15 x 15 foot) double reinforced concrete box with reinforced parapet.
- The earthen ditch at the base of the fill slope on the northeast side and adjacent to Riverside Avenue will be reconstructed due to the fill from the widening.

- The earthen ditch at the base of the fill slope on the northwest side and adjacent to Riverside Avenue will be replaced with a conduit that will connect to the RCB extension due to the fill from the widening.
- The culvert drain pipe (150-mm [6-inch]) discharging into the roadside ditch at the northwest quadrant along the west of Riverside Avenue will be extended to discharge into the conduit that will be replacing the earthen ditch described above. Catch basins and storm drain lines will be constructed along Riverside Avenue south of Valley Boulevard to collect runoff from the roadway surfaces. These drainage structures are City owned and maintained.
- Various inlets along the freeway ramps and pipes crossing the freeway will be extended and reconstructed to accommodate the proposed improvements.

Right-of-Way

- Right-of-way required along existing State right-of-way consists of temporary construction easements and permanent maintenance easements. No additional State right-of-way is required. A right of entry under the construction and maintenance agreement with the UPRR will be required for access to the railroad property along the south side of the interchange during construction of retaining wall and barrier modifications to the railroad overhead.
- For improvements within the City's jurisdiction, right-of-way, both fees takes and easements are required at the southeast and southwest corners of Riverside Avenue/Valley Boulevard to construct a new curb and sidewalk and reconstruct driveways conforming to the road widening.

Borrow/Disposal

- Earthwork for the project will not be balanced; borrow and disposal of material that is not suitable for backfill, such as topsoil during clearing and grubbing, will be required. Fill will be imported from the State Route 210, Segments 10 and 11 project or another similar project in the area that has excess dirt and that has already received environmental clearance. Excess nonhazardous soil will be sent to the Ingleoff or Aguamansa landfills. Any hazardous soil will be handled in accordance with pertinent regulations and will be disposed of at a permitted Class II or I landfill as appropriate.

Access

- The gasoline service stations on the southeast and southwest corners of Valley Boulevard and Riverside Avenue both have driveways onto Riverside Avenue. The City of Rialto requires that these driveways remain open during project construction. Access to and from I-10 will not be changed because the interchange will maintain a diamond configuration. Temporary access will be necessary in order to construct retaining walls on the south side of the interchange to the railroad maintenance road that runs north of and parallel to the UPRR tracks. A construction and maintenance agreement with UPRR to use this road will be required.

Utilities

- The following utilities will be impacted by the project:
- Pacific Bell—Telephone—Riverside Avenue, Valley Boulevard
- The Gas Company—Natural Gas—Riverside Avenue, Valley Boulevard
- Southern California Edison—Electrical—Riverside Avenue, Valley Boulevard
- City of Rialto—Water—Valley Boulevard
- City of Rialto—Sewer—Valley Boulevard and crossing I-10
- Caltrans—Fiber Optic—within I-10 median and within bridge
- Caltrans—various drainage facilities
- MCI—Fiber Optic—UPRR maintenance road

New Pavement

- The I-10 bridge will be widened by 13.62 meters (45 feet). Between the north side of the I-10 bridge and Valley Boulevard, Riverside Avenue will be widened by 8.9 meters (29 feet). Each exit and entrance ramp will be widened between 4.8 meters (15.7 feet) and 6.7 meters (22 feet).

Temporary Construction Easements

- Construction equipment will be staged at the San Bernardino Flood Control District property at the Rialto Channel as identified in the Area of Potential Effects (APE) Map. In addition, temporary construction easements will be required just outside the Caltrans right-of-way in the northeast and northwest quadrants of the interchange in order to construct the retaining walls.
- The project limits along Riverside Avenue extend from approximately 640 meters (2,099 feet) south of the interchange to approximately 100 meters (328 feet) north of Valley Boulevard and along I-10 from approximately 2.8 kilometers (1.8 miles) west of Riverside Avenue to approximately 2.6 kilometers (1.6 miles) east of Riverside Avenue. These limits included the placement of construction signs.

The project is scheduled for construction in 2008–2010.

Construction and right-of-way acquisition funds for the project are anticipated through appropriations programmed in the RTIP, where this project is currently identified as a high priority. TEA-21 funds have been allocated to the City for the design phase for the new interchange.

ESTIMATED COST

Total Roadway Items	14,170,000
Total Bridge/Structure Items	7,120,000
Total Right Of Way Items	
Acquisition	250,000
Acquisition (DSFLF Conservation)	1,400,000
Utility Relocation	500,000
Railroad C&M	250,000
Total Supplemental Work	254,000
Total State Furnish Material	360,000
TOTAL PROJECT COSTS (Including 5% Contingency)	24,304,000
Total Landscape	800,000
Administration Cost	
Ps&E (Roadway & Bridge)	1,226,000
Ps&E (Landscape)	100,000
Construction Management Cost (15%)	3,970,000
Total Administration Cost	5,296,000
Total Budget	30,400,000

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 12

Date: April 4, 2007

Subject: Congestion Management Program (CMP) Monitoring Requirements

Recommendation:* Approve recommended changes to the CMP Monitoring Requirements

Background: Each year local jurisdictions are required to monitor and analyze intersections of San Bernardino County regional arterial roadways as part of the requirements of Government Code Section 65089.3. Staff recommends modifying the CMP Monitoring requirements to incorporate changes recommended through discussion with local jurisdiction traffic engineers and the Comprehensive Transportation Plan Technical Advisory Committee. The goal is to better target the monitoring so as to minimize cost and maximize the coverage of traffic data on the County's regional arterial system. The proposed changes include:

1. Conducting turning movement counts at all CMP intersections every third year. In prior years, intersections of Level of Service (LOS) D and below needed to be counted every year. Annual counts significantly added to the cost of the count program and are not as necessary with the transition to the more comprehensive Nexus Study based approach.
2. Adding intersections of freeway ramps with arterial streets to the local jurisdiction turning movement count requirement. Ramp intersections are some of the most congested locations in the county and are currently only sporadically covered by Caltrans. The counts must be conducted at least every three years, but may be taken from Project Study Reports or other

*

Approved
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

planning documents, where available. Exemptions may be provided for recently constructed interchanges, and the focus will initially be on the interchanges included in the Development Mitigation Nexus Study.

3. Replacing truck turning movement counts at intersections, as currently required, with vehicle classification counts on CMP roadways. At least one classification count must be conducted every three years in each direction between intersections of CMP roadways for both the AM and PM peak periods. The counts may be conducted by machine, if feasible. The same locations should be counted each 3-year cycle to enable growth trends to be tracked. Counts must separate trucks into categories of 2-axle, 3-axle, and 4+axle, at a minimum.
4. Adding machine counts on arterial streets at railroad grade crossings that are included in the Alameda Corridor East railroad grade separation program. The purpose of these counts is to periodically monitor the congestion and to update the analysis of vehicle delay at the grade crossings included in the Alameda Corridor East Trade Corridor study.

If these changes are approved, SANBAG staff will issue a letter requesting collection of the data based on the new protocol. The new guidelines will be included in Chapter 6 of the 2007 update of the Congestion Management Program.

Financial Impact: This item has no direct impact on the adopted Budget. Staff activities associated with this item are consistent with the adopted Budget, Task No. 20307005, Congestion Management Program-General.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on March 21, 2007. (*Meeting chaired by Paul Eaton*)

Responsible Staff: Ryan Graham, Transportation Planning Specialist
Steve Smith, Principal Transportation Analyst

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 13

Date: April 4, 2007

Subject: Measure I 2010-2040 Strategic Plan Policies on the Valley Freeway Interchange Program

Recommendation:* Updated information on draft Measure I 2010-2040 Strategic Plan Policies on the Valley Freeway Interchange Program

Background: Development of the Measure I 2010-2040 Strategic Plan has progressed to the point of specific recommendations for several programs. This agenda item reviews specific recommendations related to the Valley Freeway Interchange Program developed by staff through discussion with the Comprehensive Transportation Plan Technical Advisory Committee (CTP TAC). The Plans and Programs Committee is serving as the clearinghouse for reviews of all the Measure I 2010-2040 programs, based on input from the other policy committees.

On January 10, 2007 the SANBAG Board directed staff to further develop policy recommendations for the Valley Freeway, Freeway Interchange, and Major Streets Programs based on input received from local jurisdictions. The Board also endorsed a set of overarching principles for the Strategic Plan (see Attachment 1). A summary of key recommendations on the Valley Freeway Interchange Program is provided in Attachment 2. Summaries of key recommendations previously considered on the Valley Major Streets Program, the Victor Valley Major Local Highways Program, and the Rural Mountain/Desert Major Local Projects Program are provided in Attachments 3, 4, and 5, respectively.

*

Approved
Board of Directors

Date:

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

Board Agenda Item
April 4, 2007
Page 2 of 2

Financial Impact: This item is consistent with the approved Fiscal Year 2006-2007 Budget.

Reviewed By: This item was reviewed by the Plans and Programs Policy Committee on March 21, 2007. *(Meeting chaired by Paul Eaton)*

Responsible Staff: Andrea Zureick, Senior Transportation Analyst
Ty Schuiling, Director of Planning and Programming
Darren Kettle, Director of Freeway Construction
Deborah Barmack, Director of Management Services

ATTACHMENT 1
MEASURE I 2010-2040 STRATEGIC PLAN
Principles Endorsed by the SANBAG Board on January 10, 2007

- 1) Deliver all Expenditure Plan projects at the earliest possible date.
- 2) Seek additional and supplemental funds as needed for completion of all Expenditure Plan projects.
- 3) Maximize leveraging of State, federal, local, and private dollars.
- 4) Ensure use of federal funds on otherwise federalized projects.
- 5) Sequence projects to maximize benefit, minimize impact to the traveling public, and support efficient delivery.
- 6) Provide for geographic equity over the life of the Measure.
- 7) Recognize that initiation of project development work on arterial, most interchange, and railroad crossing projects is the responsibility of local jurisdictions. Initiation of project development work on freeway mainline projects and interchange improvements required for the mainline projects is the responsibility of SANBAG.
- 8) Work proactively with agency partners to minimize the time and cost of project delivery.
- 9) Structure SANBAG to effectively deliver the Measure projects.
- 10) Exercise environmental stewardship in delivering the Measure projects.
- 11) Periodically update the Strategic Plan through the life of the Measure.
- 12) Utilize debt financing when and where appropriate.

ATTACHMENT 2
POLICY DIRECTION FOR THE VALLEY INTERCHANGE PROGRAM
(Based on input received from the City Managers TAC, the Comprehensive Transportation
Plan TAC, and the Plans and Programs Committee)

RECOMMENDATIONS ON SPECIFIC ISSUES

Issue 1: Linkages to Valley Freeway Program

Though local priorities should be respected, interchanges that affect the delivery of the Valley Freeway Program should be given priority for funding out of the Measure I 2010-2040 Valley Interchange Program.

Issue 2: Project Advancement

Project advancement should be considered in the mainstream sales tax measure.

Issue 3: Allocation strategies

Allocation of Measure I 2010-2040 Valley Interchange funds should occur on a project readiness basis, so long as geographic equity is maintained throughout the entire life of the Measure.

Local jurisdictions would identify funding needs for their projects through development of a Five-Year Capital Improvement Plan. The Plans would be used to provide an estimate of the potential demand for Valley Interchange funds in a given year. Based on the potential demand for these funds and the competing demands from other program areas, the SANBAG Board should annually determine the amount of Measure I Valley Interchange funds that will be made available for apportionment by the Board.

The ultimate distribution of these program funds must be geographically equitable. The basis for determining the equitable distribution of Valley Interchange funds should be the public share of project costs listed in the Nexus Study (total cost less developer fair share amount), which provides the universe for overall Valley Interchange program fund needs for the Measure. Because allocations should be made on a project readiness basis, it is possible that in a given year or over a period of several years, allocations by the Board will not be geographically equitable.

Issue 4: Conveyance of Measure I dollars

Measure I 2010-2040 Valley Interchange funds should be conveyed through a cost reimbursement process including project development activities, so long as the project development activities were included as part of the cost in the Development Mitigation Nexus Study.

For planning and cost reimbursement purposes, each interchange contained in a Five-Year Plan should be provided with an annual apportionment of Measure I 2010-2040 Valley Interchange

Funds. The apportionment would be assigned to specific interchange phases included in the Plan for the fiscal year being apportioned. After receiving an allocation of Valley Interchange funds by the SANBAG Board, local jurisdictions would expend funds on a project and submit invoices to SANBAG for reimbursement. The lead jurisdiction for the interchange will be able to submit invoices for reimbursement based on the public share of costs, up to the allocation but limited to the current apportionment balance for the interchange (see table on following pages for more detail).

POSSIBLE FUND APPORTIONMENT AND EXPENDITURE PROCESS FOR THE VALLEY INTERCHANGE PROGRAM

Based on the above direction, staff has outlined a specific process that could be used for apportionment and expenditure of funds within the Valley Interchange Program. Pros and cons of alternatives are presented on the following pages.

MEASURE I 2010-2040 STRATEGIC PLAN

Valley Interchange Program Apportionment and Expenditure Concepts

Purpose

The purpose of a defined apportionment and allocation process for the Valley Interchange Program is to provide a systematic method to ensure geographic equity, transparency, and accountability in managing Measure I 2010-2040 revenues. The administration of the Valley Interchange Program is substantially more complex than any of the fund allocation programs administered by SANBAGF under the current Measure I and processes need to be in place to establish clear guidance and order for the SANBAG Board and local project sponsors.

General

- Process generally follows Federal and State allocation/reimbursement approach, but with greater flexibility
- Process maintains consistency with guidance provided by Plans and Programs Committee
- “Apportionment” refers to the funds directed by the SANBAG Board to the Interchange Program
- “Allocation” refers to project-specific funds authorized for expenditure by the SANBAG Board out of the apportionments
- Project costs can be modified through Nexus Study amendment, but local development mitigation program must be modified first

Description/Options			Pro	Con
Apportionment	SANBAG Board identifies annual apportionment to each program. Annual apportionment levels are based on: <ul style="list-style-type: none"> • Revenue projections and overall Measure I program needs • Valley arterial and interchange programs needs identified in Five-Year Capital Improvement Plans • Board may or may not be able to full fund Interchange Program needs in the annual apportionment 			
Prioritization	OPTION 1: The SANBAG Board will develop a list of interchanges that will receive priority in both apportionment and allocation because of the impact of		Minimizes possibility that interchange construction will delay mainline construction.	Local priorities may not be consistent with regional priorities; could result in delay of projects

Process	Description/Options	Pro	Con
	<p>those interchanges on the ability to deliver mainline projects. This does not preclude other interchanges from eligibility for funding, provided adequate funds are available.</p> <p>OPTION 2: All interchanges will be viewed equally in apportionment and allocation decisions with funding priorities guided by Five-Year CIPs.</p>	<p>Provides assurance for local jurisdictions that funds may be available for local priorities that are included in the Five-Year CIP.</p>	<p>ready for construction unless additional revenue is made available through bonding or increases in apportionment.</p> <p>May result in delay to implementation of mainline construction.</p>
Apportionment Distribution	<p>OPTION 1: Interchange Program annual apportionment is assigned by interchange based on the public share costs identified in the Five-Year CIP for that fiscal year. Apportionments are tracked by interchange and will accumulate for each interchange over time.</p> <p>OPTION 2: Interchange Program annual apportionment is assigned to an overall Interchange "account" (i.e., not assigned to a specific interchange). Interchanges included in the Five-Year CIP are eligible for allocation of funds from this account on a project-readiness basis.</p>	<p>If annual apportionments are less than the need identified in the Five-Year CIP, all interchanges under development will be affected equally. Provides assurance to jurisdiction that funds will be available when the project is ready for allocation.</p> <p>Projects that are "ready-to-go" will likely receive full allocations.</p>	<p>If annual apportionments are less than the need identified in the Five-Year CIP, none of the interchanges receiving apportionments will be able to receive full allocation initially; projects that are not proceeding on schedule can tie up funds that could be available for other projects.</p> <p>If annual apportionments are less than the need identified in the Five-Year CIP, the last projects requesting allocations may be denied because of lack of apportionment balance.</p>
Allocation	<p>To date there has been agreement that the appropriate method for allocating funds is through a reimbursement process. Project sponsors will request an allocation from the Interchange Program for the current phase of work. The SANBAG Board will grant allocations by phase based on any approved priorities and Five-Year CIPs. Project sponsors will enter into an agreement with SANBAG to receive the allocation. Note that the public share can include a combination of Measure I, State, and federal funds depending on the nature of the project.</p>		

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Process	Description/Options	Pro	Con
	<p>Three options have been identified for allocation of funds:</p> <p><u>OPTION 1:</u> Limit allocation amount to current apportionment balance.</p> <p><u>OPTION 2:</u> Allow for full allocation of public share cost of the phase but limit reimbursement to the total apportionment balance (similar to the Project Advancement strategy when costs exceed apportionment balance).</p> <p><u>OPTION 3:</u> Allow for full allocation of public share cost of the phase and allow full reimbursement in excess of the apportionment balance through inter-program borrowing.</p>	<p>SANBAG makes no commitment of future Measure I revenue.</p> <p>Provides commitment to fully fund the identified public share of the project phase cost. Eliminates need for repeat actions to increase the allocation as future apportionments are made.</p> <p>Provides commitment to fully fund the identified public share of the project phase cost as costs are incurred.</p>	<p>If the current apportionment balance does not fully fund the public share of the phase, project sponsor must either fill the gap with local funds or wait for an adequate balance to accrue. Can possibly receive additional allocations for that phase in future years until completion of that phase.</p> <p>Provides no assurance of a date of full reimbursement as apportionments are subject to annual action of the SANBAG Board.</p> <p>An apportionment to the Interchange Program that is less than the need identified in the Five-Year CIP should be based on more urgent needs in other program areas. This option could result in a rearrangement of priorities program-wide.</p>
Expenditure Process (Local Jurisdiction Lead)	<ul style="list-style-type: none"> Jurisdiction is authorized to expend funds up to the amount allocated. Measure I funds will be paid on a reimbursement basis, consistent with the public share percentage that is established for the phase of work, up to the current cumulative apportionment for the interchange. Invoicing for funds in excess of cumulative apportionment must be deferred until additional apportionment is available (similar to 		

Process	Description/Options	Pro	Con
	<p>Federal "advance construction" process)</p> <ul style="list-style-type: none"> • Lead jurisdiction is responsible for fair share portion of cost, at a minimum, and will need to bill other participating local jurisdictions for their fair share amounts unless other arrangements have been made (see loan options). • Cumulative fair share expenditures cannot drop below percentage identified in Nexus Study for each specific interchange (retains flexibility on project phases). • If total expended funds at project completion are less than the allocation for the interchange, the excess allocation will be returned to the Valley Interchange apportionment fund. • If it is clear that the expenditures will exceed the available allocation for the phase, jurisdiction may continue with the project but will need to apply to SANBAG to have the allocation increased. SANBAG cannot guarantee that the additional funds will be available. 		
Expenditure Process (SANBAG Lead by Agreement with Local Jurisdictions)	<ul style="list-style-type: none"> • SANBAG may include project management costs in invoicing to local jurisdictions, the terms of which must be approved by the SANBAG Board. • SANBAG will track invoices and will bill local jurisdictions for their fair share amount on a monthly or quarterly basis. • Jurisdictions failing to pay their fair share may require SANBAG to force a loan from the local jurisdiction Valley Major Streets apportionment, unless other arrangements have been made with SANBAG (see loan options). Apportionment would be adjusted as loan is repaid to SANBAG from local development mitigation dollars. • SANBAG may expend funds on the interchange project only up to the amount of funds allocated to that interchange. • If total expended funds at project completion are less than the allocation for the interchange, the 		

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Process	Description/Options	Pro	Con
Loan Options	<p>excess allocation will be returned to the Valley Interchange apportionment fund.</p> <ul style="list-style-type: none"> Loans of apportioned amounts are not expected for the Valley Interchange Program, since apportioned amounts are interchange-specific and based on Five-Year CIPs. Where the interchange requires fair shares from two or more jurisdictions, jurisdictions may mutually agree to adjust the fair share amounts as long as the total fair share is maintained. For example, fair shares could be “swapped” between interchanges to simplify the accounting for fair shares (e.g. jurisdiction A could be completely responsible for interchange X, and jurisdiction B could be completely responsible for interchange Y). These changes would be reflected in a Nexus Study amendment. Loans of fair share amounts may be transacted: <ol style="list-style-type: none"> 1) through documented intra-jurisdictional fund-sharing (audit provisions may apply), 2) between lead and cooperating local jurisdictions (if local jurisdiction is lead agency), or 3) with SANBAG, by agreement between SANBAG, the lead jurisdiction, and the loan applicant. The terms of this interchange-specific loan must be approved by the SANBAG Board. 		

ATTACHMENT 3
POLICY DIRECTION FOR THE VALLEY MAJOR STREETS PROGRAM
(Based on input received from the City Managers TAC, the Comprehensive Transportation Plan TAC, and the Plans and Programs Committee)

RECOMMENDATIONS ON SPECIFIC ISSUES

Issue 1: Inter-program borrowing

Inter-program borrowing should be allowed, but amounts should be limited or capped so that each program is able to maintain a degree of project delivery.

Priorities assigned to freeway, freeway interchange, and arterial street projects vary among the Valley jurisdictions. Consequently, while interprogram borrowing to frontload a program may be advantageous to the program as a whole, such borrowing should occur in a manner that does not subsume the entire annual share of any particular program, and should also consider SANBAG's ability to reimburse jurisdictions that have entered into project advancement agreements.

Issue 2: Project Advancement

Project advancement should be considered in the mainstream sales tax measure.

Issue 3: Relative priorities of arterial street projects versus railroad grade separations

Though local priorities should be respected, arterial street projects should be given priority for funding out of the Measure I 2010-2040 Valley Arterial program because railroad grade separations are likely to be funded in part from other sources.

Issue 4: Allocation strategies

Allocation of Measure I 2010-2040 Valley Arterial funds should occur on a project readiness basis, so long as geographic equity is maintained throughout the entire life of the Measure.

Local jurisdictions would prioritize their projects through development of a Five Year Plan. The Plans would be used to provide an estimate of the potential demand for Valley Arterial and Interchange funds in a given year. Based on the potential demand for these funds and the competing demands from other program areas, the SANBAG Board should annually determine the amount of Measure I Valley Arterial and Interchange funds that will be made available for apportionment by the Board.

The ultimate distribution of these program funds must be geographically equitable. The basis for determining the equitable distribution of Valley Interchange and Arterial funds should be the public share of project costs listed in the Nexus Study, which provides the universe for overall Valley

Interchange and Arterial program fund needs for the Measure. Because allocations should be made on a project readiness basis, it is possible that in a given year or over a period of several years, allocations by the Board will not be geographically equitable.

Issue 5: Conveyance of Measure I dollars

Measure I 2010-2040 Valley Arterial funds should be conveyed through a cost reimbursement process including project development activities, so long as the project development activities were included as part of the cost in the Development Mitigation Nexus Study.

Valley Arterial funds should be made available to all project development activities, so long as those costs were anticipated as part of the project cost listed in the Nexus Study. After receiving an allocation of Valley Arterial funds by the SANBAG Board, local jurisdictions would expend funds on a project and submit invoices to SANBAG for reimbursement. The local jurisdiction would be reimbursed for the public share of the project cost, up to the amount available in its apportionment balance.

For planning and cost reimbursement purposes, local jurisdictions should be provided with an annual apportionment of Measure I 2010-204 Valley Arterial Funds. The annual apportionment would be determined by calculating the amount of Measure I Valley Arterial funds that could be made available to them over the life of the Measure, so long as the program area remains fully funded. The amount a local jurisdiction could be reimbursed for a project should be limited by its available apportionment balance.

POSSIBLE FUND APPORTIONMENT AND EXPENDITURE PROCESS FOR THE VALLEY MAJOR STREETS PROGRAM

Based on the above direction, staff has outlined a specific process that could be used for apportionment and expenditure of funds within the Valley Major Streets Program. Many elements of this process could also apply to the Valley Freeway Interchange Program. A hypothetical example of the tracking of apportionments and expenditures by jurisdiction is provided at the end of this attachment.

1. The process generally follows Federal and State allocation and expenditure approach, but with greater flexibility
2. The process maintains consistency with guidance provided to date by the SANBAG Board
3. Apportionment process
 - a. SANBAG Board annually identifies apportionment to the Valley Major Streets Program
 - i. Based on revenue projection and program needs
 - ii. Valley Major Streets Program needs will be identified in Five-Year Capital Improvement Plans

- b. Each jurisdiction is provided with an annual apportionment based on the annual apportionment to the Valley Major Streets Program and the percent of Nexus Study non-fair-share project cost for arterials their jurisdiction. Apportionments will accumulate for each jurisdiction over time.
- c. Project costs can be modified through Nexus Study amendment, but local development mitigation program must be modified first.

4. Expenditure process

- a. Projects are allocated funds by the SANBAG Board on a project-readiness basis, subject to other requirements. Local agencies are responsible for initiating the request for allocation based on their local priorities and their capital improvement plans.
- b. Measure I funds are paid to local jurisdictions on a reimbursement basis (i.e. upon submittal of invoices for work completed), up to current cumulative apportionment for the jurisdiction)
- c. Invoicing for funds in excess of cumulative apportionment must be deferred until additional apportionment is available (similar to Federal "advance construction" process)
- d. Jurisdiction is responsible for fair share portion of cost, at a minimum. Must come from development contributions, per Nexus Study.
- e. Cumulative fair share expenditures cannot drop below percentage identified in Nexus Study (i.e. flexibility is maintained on individual projects)
- f. The non-fair share cost represents the "Public Share." As such, it can include a combination of Measure I, State, and federal funds.
- g. SANBAG may audit local jurisdiction financial records involving expenditure of Measure I funds

5. Loan options

- a. Loans of apportioned amounts can be made between jurisdictions. These will increase or decrease the current cumulative apportionment for participating jurisdictions. SANBAG must be provided with appropriate resolutions.
- b. Alternatively, loans of apportionments could be transacted directly with SANBAG (i.e. SANBAG could receive and hold apportioned amounts that cannot be used, and redistribute to other jurisdictions or to other programs)
- c. Jurisdictions would need to justify large, unused apportionment balances. SANBAG could "force" a loan of the apportionment balance from that jurisdiction, but funds for that jurisdiction would not be lost (i.e. loan would be re-apportioned when jurisdiction needs the funds)

HYPOTHETICAL EXAMPLE OF FUND APPORTIONMENT AND EXPENDITURE PROCESS REPORTING FOR VALLEY MAJOR STREETS PROGRAM

Fiscal Year 2015/2016 Annual Apportionment: <u>\$23,000,000</u>												
(1) Jurisdiction	(2) Ratio of Trip Growth to 2030 Trips	(3) Total Arterial Cost	(4) Developer Share of Total Arterial Cost	(5) Public Share of Total Arterial Cost	(6) Annual Apportionment Share	(7) Annual Apportionment	(8) Total Prior Annual Apportionments	(9) Cumulative Annual Apportionments	(10) Total Allocations as of July 1, 2015	(11) Total Reimbursements as of July 1, 2015	(12) Total Apportionment Loans as of July 1, 2015	(13) Total Available Apportionment as of July 1, 2015
Chino	51%	\$91,887,000	\$47,861,744	\$44,025,256	6.32%	\$1,453,824	\$5,815,296	\$7,269,120	\$0	\$0	\$0	\$7,269,120
Chino Hills	14%	\$20,767,000	\$2,915,161	\$17,851,839	2.56%	\$589,512	\$2,358,049	\$2,947,561	\$0	\$0	\$0	\$2,947,561
Colton	44%	\$36,479,000	\$16,285,993	\$20,193,007	2.90%	\$666,824	\$2,667,294	\$3,334,118	\$0	\$0	\$0	\$3,334,118
Fontana	32%	\$233,453,000	\$76,811,873	\$156,641,127	22.49%	\$5,172,681	\$20,660,725	\$25,863,406	\$10,000,000	(\$8,000,000)	\$0	\$17,863,406
Grand Terrace	40%	\$18,886,000	\$7,730,541	\$11,155,459	1.60%	\$368,381	\$1,473,524	\$1,841,906	\$0	\$0	\$0	\$1,841,906
Highland	46%	\$96,183,000	\$45,756,039	\$50,426,961	7.24%	\$1,665,224	\$6,660,897	\$8,326,121	\$0	\$0	\$0	\$8,326,121
Loma Linda	39%	\$54,410,000	\$21,657,607	\$32,752,393	4.70%	\$1,081,586	\$4,326,263	\$5,407,829	\$0	\$0	\$0	\$5,407,829
Montclair	19%	\$6,020,000	\$1,169,020	\$4,851,980	0.70%	\$160,225	\$640,898	\$801,123	\$0	\$0	\$0	\$801,123
Ontario	44%	\$180,244,000	\$81,998,830	\$98,245,170	14.11%	\$3,244,301	\$12,877,204	\$16,221,504	\$20,000,000	(\$14,000,000)	\$4,000,000	\$6,221,504
Rancho Cucamonga	29%	\$60,040,000	\$17,659,541	\$42,380,459	6.08%	\$1,399,509	\$5,598,034	\$6,997,543	\$0	\$0	(\$4,000,000)	\$2,997,543
Redlands	23%	\$58,220,000	\$13,791,105	\$44,428,895	6.38%	\$1,467,153	\$5,868,612	\$7,335,765	\$0	\$0	\$0	\$7,335,765
Rialto	40%	\$67,910,000	\$28,171,177	\$39,738,823	5.71%	\$1,312,275	\$5,249,101	\$6,561,376	\$0	\$0	\$0	\$6,561,376
San Bernardino	32%	\$94,694,000	\$31,431,674	\$63,262,326	9.08%	\$2,089,080	\$8,356,320	\$10,445,400	\$5,000,000	(\$4,500,000)	\$0	\$5,945,400
Upland	48%	\$20,220,000	\$10,008,244	\$10,211,756	1.47%	\$337,218	\$1,348,871	\$1,686,089	\$0	\$0	\$0	\$1,686,089
Yucaipa	31%	\$88,290,000	\$27,960,584	\$60,329,416	8.66%	\$1,992,228	\$7,968,912	\$9,961,140	\$8,000,000	(\$8,000,000)	\$0	\$1,961,140
Total		\$1,127,703,000	\$431,208,136	\$696,494,864	100%	\$23,000,000	\$92,000,000	\$115,000,000	\$43,000,000	(\$34,500,000)	\$0	\$80,500,000

ATTACHMENT 4
POLICY DIRECTION FOR THE VICTOR VALLEY MAJOR LOCAL
HIGHWAY PROJECTS PROGRAM
(Based on input received from the Mountain/Desert Committee on January 19,
2007)

Issue 1: Guiding principles for allocation of Victor Valley Major Local Highway Projects funds:

- Allocations should be made from candidate project lists developed in cooperation with transportation planning partners.
- Allocations should serve to maximize leveraging of private, local, federal, and State dollars, with particular attention to leveraging of Interregional Transportation Improvement Program Funds on the Interregional Road System.
- Allocations should be made with an objective of delivering major local highway improvements at the earliest possible date.
- Geographic equity throughout the subarea should be considered over the term of the Measure.
- SANBAG shall actively engage in planning and project delivery of major local highway projects in collaboration with local jurisdictions and Caltrans in a manner which will minimize the time and cost of project delivery.

Issue 2: Project Eligibility

Allocations of Major Local Highway Project's funds in the Victor Valley should be restricted to State/Federal highways, interchanges, and new corridor alignments.

The Major Local Highway Projects category as listed in the Expenditure Plan cites several State/Federal highways, interchanges, and new corridors. The cited highways fall both within the urban and rural areas of the Victor Valley, allowing for equitable geographic allocations. The estimated Measure I revenue for Major Local Highways will be only a small fraction of the cost for identified project improvements. Although it may be appropriate for "major arterials spanning multiple jurisdictions" to be funded in other subareas, it does not seem appropriate in the Victor Valley given the magnitude of transportation need. The most obvious "major arterials spanning multiple jurisdictions" in the Victor Valley (alternatives to Bear Valley Road, Ranchero Road) are specifically cited in the Expenditure Plan as Local Street Projects.

Issue 3: Corridor Preservation

Allocation of Major Local Highway Projects funds for corridor preservation is consistent with the Victor Valley Subarea Expenditure Plan.

The Major Local Highway Projects category in the Victor Valley Subarea Expenditure Plan specifically names the future High Desert Corridor, as well as improvements to US-395, which is currently under study for a new alignment. The purchase of right-of-way is a recognized cost of highway construction. Advanced purchase of right-of-way using local funds is allowable by the Federal Highway Administration when performed in compliance with federal requirements. Subarea representatives may wish to consider a strategic process of purchasing parcels in an identified alignment if they become available on the market as a mechanism for reducing right-of-way costs in the long term and protecting the alignment.

Issue 4: Periodic review and updating of revenue estimates and subarea needs

The allocation process should include a review of the revenue estimates and identified subareas needs for the term of the Measure.

Review of revenue estimates and identified projects during the allocation process will result in consideration of alternatives which may include assurances related to geographic equity; maintenance of reserves for unanticipated needs and for opportunities to leverage unanticipated funds; and evaluation of projects' impact upon overall subarea circulation.

Issue 5: Fair Share Contributions

Development contributions identified in the SANBAG Nexus Study are a minimum requirement of the program and shall not be considered as leveraged funding.

When submitting potential projects for funding from the Victor Valley Major Local Highway Projects program, local jurisdictions may include other local funding contributions, such as Measure I Local Street Project funds, redevelopment funds, or general funds. A proposed project with additional local funding contributions may increase project competitiveness. In such cases, development mitigation funds identified in the SANBAG Nexus Study are minimum requirements and shall not be considered as leveraged funds, except when the amount of development mitigation exceeds the amount listed in the Nexus Study or is on a project outside the Nexus Study area.

ATTACHMENT 5
POLICY DIRECTION FOR THE RURAL MOUNTAIN/DESERT MAJOR
LOCAL PROJECTS PROGRAM
(Based on input received from the Mountain/Desert Committee on January 19,
2007)

Issue 1: Guiding principles for allocation of Major Local Highway Projects funds in rural subareas:

- Allocations should be made from candidate project lists developed in cooperation with transportation planning partners.
- Allocations should serve to maximize leveraging of private, local, federal, and State dollars, with particular attention to leveraging of Interregional Transportation Improvement Program Funds on the Interregional Road System.
- Allocations should be made with an objective of delivering major local highway improvements at the earliest possible date.
- Geographic equity throughout the subarea should be considered over the term of the Measure.
- SANBAG shall actively engage in planning and project delivery of major local highway projects in collaboration with local jurisdictions and Caltrans in a manner which will minimize the time and cost of project delivery.

Issue 2: Project Eligibility

Allocations for Major Local Highway Project's funds in rural subareas should be allocated for improvements on State/Federal highways, interchanges/intersections, and major arterials spanning multiple jurisdictions based upon a projects contribution to traffic circulation and/or improved safety within the subarea.

The Major Local Highway Projects category, as listed in the Expenditure Plan, cites numerous State/Federal highways and several multi-jurisdictional/subarea projects. The estimated Measure I revenue for Major Local Highways can only be a small contribution toward any substantial project, but the Measure I contribution can nevertheless serve to leverage additional non-Measure funding sources. In certain areas, allocations of Major Local Highway Projects Funds could contribute to safety projects on State highways which may be highly desirable among local jurisdictions and could possibly advance projects funded by State Highway Operations and Protection Program funds. In rural subareas with few State highway project priorities, major arterial projects spanning multiple jurisdictions may be highly desirable. Major arterial projects spanning multiple jurisdictions can improve circulation and can serve as alternative routes to the State highway.

Issue 3: Periodic review and updating of revenue estimates and subarea needs

The allocation process should include a review of the revenue estimates and identified subareas needs for the term of the Measure.

Review of revenue estimates and identified projects during the allocation process will result in consideration of alternatives which may include assurances related to geographic equity; maintenance of reserves for unanticipated needs and/or opportunities to leverage unanticipated funds; and evaluation of projects' impact upon overall subarea circulation.

Issue 4: Development Contributions

Development contributions are considered a requirement of the Measure in rural subareas. Development contributions from development mitigation fee programs in the rural Mountain/Desert subareas should be considered as leveraged funding which could enhance a project's consideration for Major Local Highway Projects funds.

Jurisdictions in rural subareas are not required in Measure I 2010-2040 to participate in the SANBAG Nexus Study and Development Mitigation Program cited in Section VIII of the Measure. However, it is clear in the Measure that "Measure I revenue is not intended to replace traditional revenues generated through locally-adopted development fees and assessment districts." It is also clear that the "transactions and use tax revenue shall not be used to replace existing road funding programs or to replace requirements for new development to provide for its own road needs." Rural subarea jurisdictions are meeting the requirements for development contributions through preparation of Traffic Impact Analysis Reports, conditions of project approvals, fee districts, and other mechanisms. Most jurisdictions in the rural Mountain/Desert subareas are also considering or have established development mitigation programs separate from the SANBAG Nexus Study.

It is anticipated that jurisdictions in the rural subareas may submit projects for funding which include local funding contributions, such as Measure I Local funds, redevelopment funds, general funds, or development mitigation fee program funds. A proposed project with these local funding contributions may increase the competitiveness of a project. In the rural subareas, all of these local funding contributions should be considered as leveraged funds for the purpose of allocating Major Local Highway Project Funds, including those which may be generated from development mitigation fee programs which are not part of the SANBAG Development Mitigation Program.

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 14

Date: April 4, 2007

Subject: Colton Crossing – Contract No. C07204 between State of California Department of Transportation (State) and San Bernardino Associated Governments (SANBAG)

Recommendation: Approve Contract No. C07204 establishing the working relationship between the State and SANBAG (the parties) and the management framework for the use of \$2.2 million of Interregional Transportation Improvement Program (ITIP) funds for the Colton Crossing Project (project).

Background: In 1999 Caltrans, in collaboration with SANBAG, the Riverside County Transportation Commission, Burlington Northern Santa Fe (BNSF) and Union Pacific (UP), prepared a Project Study Report (PSR) for the Colton Crossing Grade Separation project. In 2005, in recognition that State funds might be available for preliminary engineering and an environmental document Caltrans along with the other entities prepared Supplemental PSR for this project. The Supplemental was approved in January 2006. Caltrans and California Transportation Commission (CTC) in consultation with SANBAG included \$2.2 million of Interregional Transportation Improvement Program (ITIP) funds in the 2006 State Transportation Improvement Program to fund preliminary engineering and environmental document development. The CTC, at its' October 2006 meeting, "voted" the \$2.2 million to SANBAG to act as lead agency for these efforts.

*

Approved
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

brd0704d-dmk

On May 3rd 2006 SANBAG Board of Directors approved SANBAG as lead agency for the project; this action was followed on December 6th 2006 by SANBAG Board of Directors approving authorization to release a Request for Qualifications for Preliminary Engineering and Environmental Document for the project.

Approval of this contract (draft attached) is consistent with the steps taken through prior SANBAG Board approvals to promote and further this important project. The contract provides the parties the principles of project scope, payments, progress reporting and lays the foundation for a successful working relationship between the state and SANBAG.

Financial Impact: This action, by itself, imposes no financial impact.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Major Projects Committee on March 15, 2007. (*Meeting chaired by Grace Vargas*)

Responsible Staff: Darren Kettle, Director of Freeway Construction

SANBAG Contract No. C07204

by and between

San Bernardino County Transportation Authority

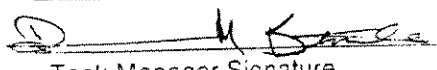
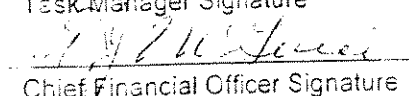
and

State of California, Department of Transportation

for

Colton Crossing PA/ED

FOR ACCOUNTING PURPOSES ONLY:				
<input type="checkbox"/> Payable <input checked="" type="checkbox"/> Receivable	Vendor Contract # _____ Vendor ID _____	Retention: <input type="checkbox"/> Yes _____ % <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment	
Notes:				
Original Contract: \$ <u>2,189,000</u> Contingency Amount: \$ _____		Previous Amendments Total: \$ _____ Previous Amendments Contingency Total: \$ _____ Current Amendment: \$ _____ Current Amendment Contingency: \$ _____		
Contingency Amount requires specific authorization by Task Manager prior to release.				
Contract TOTAL →				\$ <u>2,189,000</u>
↓ Please include funding allocation for the original contract or the amendment.				
<u>Task</u>	<u>Cost Code</u>	<u>Funding Sources</u>	<u>Grant ID</u>	<u>Amounts</u>
879	_____	ITIP	_____	\$ <u>2,189,000</u>
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
Original Board Approved Contract Date: <u>Apr. 04, 2007</u> Contract Start: <u>May 04, 2007</u> Contract End: <u>May 04, 2009</u> New Amend. Approval (Board) Date: _____ Amend. Start: _____ Amend. End: _____				
If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:				
Approved Budget Authority →	Fiscal Year: <u>07/08</u> \$ <u>1,189,000</u>		Future Fiscal Year(s) – Unbudgeted Obligation →	\$ <u>1,000,000</u>
Is this consistent with the adopted budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, which Task includes budget authority? <u>879</u> If no, has the budget amendment been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No				
CONTRACT MANAGEMENT				
Please mark an "X" next to all that apply:				
<input checked="" type="checkbox"/> Intergovernmental <input type="checkbox"/> Private <input type="checkbox"/> Non-Local <input type="checkbox"/> Local <input type="checkbox"/> Partly Local				
Disadvantaged Business Enterprise: <input type="checkbox"/> No <input type="checkbox"/> Yes _____ %				
Task Manager: <u>Darren Kettle</u>			Contract Manager: <u>Arlis Childs</u>	

 3-8-07
 Task Manager Signature Date
 3/26/07
 Chief Financial Officer Signature Date

 08 MAR 07
 Contract Manager Signature Date

STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION

INTERCITY RAIL PASSENGER FACILITY CONTRACT

FACE SHEET

CONTRACTOR: San Bernardino Associated Governments

EFFECTIVE DATE OF CONTRACT: October 11, 2006

TERMINATION DATE OF CONTRACT: October 11, 2009

DATE OF FUNDING ALLOCATION: October 11, 2006

CTC RESOLUTION NO.: MFP-06-09

TITLE OF PROJECT: Colton Crossing Railroad Grade Separation Project

FISCAL YEAR(S) PROGRAMMED: 2006/2007

FUNDS AUTHORIZED FOR EXPENDITURE: \$2,189,000

FUND SOURCE AUTHORIZATIONS: 2006 STIP

SOURCE		CHARGE		EXP AUTH		SPECIAL DESIGNATION		OBJECT	AMOUNT	DE CR	FY	ENCUMBRANCE DOCUMENT NUMBER
DIST	UNIT	DIST	UNIT	GEN LED	SUB ACCT	SUB JOB NO.	RW PARCEL NO.					
75	807	75	807	R974TA				7049	\$2,189,000		2006/07	LOR974TA-01
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.												
ITEM 2660-302-0046		CHAPTER 47/48		STATUTES 2006		FISCAL YEAR 2006/2007		Patricia Harmon 3/9/07				

AMOUNT ENCUMBERED BY THIS DOCUMENT	\$ 2,189,000
PRIOR AMOUNT ENCUMBERED	\$ 0
TOTAL AMOUNT ENCUMBERED	\$ 2,189,000

INTERCITY RAIL PASSENGER FACILITY CONTRACT

This Contract, effective as of the date set forth on the face sheet, is entered into by and between the public entity identified thereon, hereinafter referred to as "**CONTRACTOR**," and the **STATE OF CALIFORNIA**, acting by and through its Business, Transportation and Housing Agency, Department of Transportation, hereinafter referred to as "**STATE**."

ARTICLE I. CONTRACT FUNDING

SECTION 1. **STATE** has applied to the California Transportation Commission (**CTC**) for funds, derived under the identified **STATE** Fund Source, for allocation by **CTC** for the project as identified on the face sheet above and as further described in the "Scope of Work." That Scope of Work is Attachment I hereto and by this reference, it is made an express part of this Contract and hereinafter referred to as "Project."

SECTION 2. **CTC** has allocated funds for the Project, or a phase of the Project (Project Phase), in the **CTC** Resolution (the "Resolution") identified on the Face Sheet of this Contract. That Resolution is made an express part of this Contract. **CONTRACTOR** agrees to be bound to the terms and conditions of this Resolution, and all restrictions, rights, duties and obligations established therein shall accrue to the benefit of **CTC** and will be subject to any necessary enforcement action by either **CTC** or **STATE** acting on behalf of **CTC**. The **CONTRACTOR** also agrees to be bound by the terms and conditions stated by **CTC** in Resolution G-95-05 relative to the timely expenditure of Project funds. That Resolution G-95-05 is not an Attachment to this Contract but the contents thereof are, by this reference, made an express part of this Contract.

SECTION 3. **STATE** has prepared this Contract and all referenced Attachments, Resolutions of **CTC**, and Addenda, setting forth the terms and conditions under which said Project is to be performed and said funds provided by **STATE** are to be expended by **CONTRACTOR**.

SECTION 4. **STATE** and **CONTRACTOR** have negotiated the "Scope of Work" describing the entire Project or Project Phase, if applicable, with the tasks to be performed for each separate phase of the Project. Subsequent Project Phase descriptions beyond the initial approved description, if any, can only be added to this Contract by an Amendment process. The Scope of Work sets forth the Funding Budget, Project Schedule, Work Tasks, Estimated Project Expenditure Budget and Estimated Quarterly cash needs Schedule for the entire Project. State funding included as part of the expenditure schedule established in each original or amended Scope of Work for every Project Phase, initial or subsequent, shall not be exceeded or modified without a subsequent encumbrance of **STATE** funds and the amendment of this Contract.

SECTION 5. **CONTRACTOR** shall conform to any and all environmental obligations established in **CTC** Resolution G-91-2, Attachment III hereto which is by this reference made an express part of this Contract, at the expense of **CONTRACTOR** or another responsible party and without further financial contribution or obligations of **STATE**.

SECTION 6. The amount shown on the Face Sheet hereto as "Funds Authorized for Expenditure" is the maximum amount authorized for reimbursement to **CONTRACTOR** for Project work as defined in the Scope of Work. The **STATE** funding commitment hereunder is limited to the amount authorized and encumbered under this Contract for reimbursement to **CONTRACTOR**.

SECTION 7. Funding made available to **CONTRACTOR** under this Contract will terminate on the Termination Date first specified on the face sheet above, unless earlier terminated upon written notice from **STATE** to **CONTRACTOR** pursuant to Article IV, Section 7 or unless extended by an amendment to this Contract.

SECTION 8. This Contract may be modified, altered or revised only with the joint written consent of **CONTRACTOR** and **STATE**.

SECTION 9. **CONTRACTOR** shall not award a construction contract over \$10,000 or other contracts over \$25,000 (excluding professional service contracts of the type which are required to be procured in accordance with Government Code Sections 4525 through 4529.5) on the basis of a noncompetitive negotiation for Project work to be performed under this Contract without prior written approval by the **STATE**. Contracts awarded prior to the effective date, if intended as a match, must meet the requirements set forth in this paragraph and Section 5 of Article IV.

SECTION 10. **CONTRACTOR** has agreed to accept and conform to the applicable provisions contained herein, including all Attachments, Resolutions and Addenda (collectively the "Provisions"), as a condition of acceptance of the described funds. **STATE** shall have the administrative rights, duties and responsibilities described in these Contract Provisions.

SECTION 11. The Project Administrator for **STATE** shall be the Rail Program Manager or designee and for **CONTRACTOR**, its General Manager, Executive Director or a designee named in writing.

ARTICLE II. PROJECT DESCRIPTION

SECTION 1. **CONTRACTOR** agrees to complete the Project, or the identified Project Phase thereof, all as described in the attached Scope of Work for the identified Project or Project Phase. Reference hereinafter to the Project shall also mean the Project Phase if appropriate.

SECTION 2. **CONTRACTOR** agrees that if **STATE** encumbered funds made available pursuant to this Contract prove insufficient to complete the described Project and open it to revenue operation for the benefit of the public, that the payment of any additional amounts required to open the Project for that public use shall be the sole responsibility of **CONTRACTOR**. **CONTRACTOR** further agrees that it will secure and provide, without further **STATE** funding assistance under this Contract process, such additional **CONTRACTOR** or other third party resources as are necessary to pay these additional amounts and expeditiously complete the Project.

ARTICLE III. SCOPE OF WORK

SECTION 1. **CONTRACTOR** shall be responsible for complete performance of the Project work described in the approved Scope of Work document for the Project related to this commitment of **STATE** funds. All Project work shall be accomplished in accordance with the applicable provisions of the California Constitution, the Public Utilities Code, the Streets and Highways Code, the Government Code and other applicable statutes and regulations.

SECTION 2. **CONTRACTOR** acknowledges and agrees that **CONTRACTOR** is the sole control and manager of the proposed Project, unless specifically addressed to the contrary in the Scope of Work document, and its subsequent employment for the benefit of the public. **CONTRACTOR** shall be solely responsible for complying with the funding and use restrictions established by the statutes from which the Project funds are derived, allocation Resolution and other restrictions established by **CTC**, the State Treasurer, the Internal Revenue Service, and the terms of this Contract. **CONTRACTOR** shall indemnify, defend and hold harmless **STATE**, **CTC** and the State Treasurer relative to any misuse by **CONTRACTOR** of State funds, Project property, Project generated income or other fiscal acts, errors or omissions of **CONTRACTOR**.

SECTION 3. The Scope of Work and the Face Sheet show the maximum amount available for expenditure under terms of this Contract. **STATE** is not obligated to reimburse **CONTRACTOR** a cumulative amount greater than the cumulative amount identified in the Scope of Work for any time period or at any time earlier than the dates shown in the Estimated Quarterly Cash Needs Schedule therein.

SECTION 4. The Scope of Work includes an estimated completion date or dates for each of the Project Phases or items of work identified therein and **CONTRACTOR** shall conform to those completion dates.

ARTICLE IV. PAYMENT

SECTION 1. **CONTRACTOR** agrees to contribute not less than any required local contribution (other than state or federal funds) toward the actual cost of the Project. **CONTRACTOR** shall contribute any required amount of the cost of the Project in accordance with the Scope of Work's Funding Budget.

SECTION 2. Project related travel and subsistence expenses of **CONTRACTOR** and its subcontractors claimed for reimbursement or as local match credit shall not exceed rates authorized to be paid regular State employees under then current State Department of Personnel Administration (DPA) rules. If travel and subsistence rates invoiced by **CONTRACTOR** are in excess of DPA rates, then **CONTRACTOR** is responsible for the difference and any overpayments inadvertently paid or credited as matching funds by **STATE** shall be reimbursed to **STATE** on demand. **CONTRACTOR** is limited to reimbursement of Design and Engineering costs not to exceed 10% of the total Project costs herein and Project Management costs of 5% of Project costs herein.

SECTION 3. Not more frequently than once a month, but at least quarterly, **CONTRACTOR** will prepare and submit to **STATE** (directed to the attention of the appropriate **STATE** Project Manager) signed invoices in triplicate for actual Project costs incurred and paid by **CONTRACTOR** consistent with the Scope of Work document. Advance reimbursement or payments to **CONTRACTOR** are not allowed. **CONTRACTOR** must not only have incurred the expenditures, but must have also paid them. Each such invoice will report the total Project expenditures from all sources and will specify the percent of state reimbursement requested pursuant to the terms of this Contract. The invoices should also summarize **STATE** money requested by category (right of way, construction, rolling stock, or private activity usage) and be accompanied by a report describing the overall work status and progress on Project tasks. The method of payment for this Contract will be based upon reimbursement for actual allowable Project costs incurred and paid by **CONTRACTOR**.

SECTION 4. **STATE** will retain ten percent (10%) of the payment scheduled to be made by **STATE** upon receipt of **CONTRACTOR's** final invoice for a one time payment or will retain ten percent (10%) from all progress payments until **STATE** has evaluated **CONTRACTOR's** performance and made a determination that all Contract requirements are satisfactorily fulfilled.

SECTION 5. Reimbursement will be made or allowed only for Project work performed after the Effective Date of this Contract and prior to the Termination Date. **CONTRACTOR** must complete both the Project work to be reimbursed and the final invoicing for the final reimbursement payment within the thirty-six (36) month period following execution of this Contract.

As used in this Contract, the Last Expenditure Date is also the Termination Date. The Termination Date refers to the last date for **CONTRACTOR** to incur valid Project costs or credits for reimbursement or matching credit, and that is also the date the expires. **CONTRACTOR** shall submit the Project Close-Out Report and the final Project invoice within one-hundred & eighty (180) days of that Termination Date. It is **CONTRACTOR's** responsibility to assure that all Project work is completed, all subcontractor invoices are received by the **CONTRACTOR** and all payments are made by **CONTRACTOR** for Project authorized goods and services (received and performed prior to that Termination Date).

SECTION 6. Reimbursement of Project costs to **CONTRACTOR** by **STATE** with any funds provided pursuant to this Contract is contingent upon prior budget action by the Legislature, funding allocation by **CTC**, submittal by **CONTRACTOR** and approval by **STATE** of all documentation required by Government Code Section 14085. In the event Project funds are delayed, canceled, limited or otherwise conditioned by acts of Congress, **CTC**, the Legislature, the Internal Revenue Service, the Federal Transit Administration or other third parties, **STATE** shall not be held liable for any resulting damage or penalty. In the event of any such imposition of additional conditions, delay, cancellation or reduction of **STATE** funding, **CONTRACTOR** shall be excused from meeting the time and expenditure constraints established in the Project and Financial Plan and in the Project Development schedule to the extent of such delay, cancellation or reduction of Project funds and this Contract will be amended to reflect the necessary changes in scope or scheduling of the Project.

SECTION 7. **STATE** reserves the right to terminate funding for any portion, phase or all of Project upon written notice to **CONTRACTOR** in the event that **CONTRACTOR** fails to proceed with Project work in accordance with the Scope of Work document or otherwise violates the conditions of these Provisions or **CTC** funding allocation such that substantial performance is materially endangered. No such termination shall become effective if, within thirty (30) days after receipt of a Notice of Termination, **CONTRACTOR** either cures the default involved or, if said defaults are not reasonably susceptible of cure within said thirty (30) day period, **CONTRACTOR** proceeds thereafter to diligently complete the cure in a manner and time line acceptable to **STATE** as evidenced in writing by **STATE**. Unless in default as a consequence of such termination, **CONTRACTOR** shall be reimbursed its authorized Project costs (up to the limit of the **STATE's** share of allowable Project costs) incurred prior to the date of termination, provided that all other terms and conditions of this Contract have been met. Any such termination shall be accomplished by delivery to **CONTRACTOR** of a Notice of Termination, which notice shall become effective not less than thirty (30) days after receipt, specifying the reason for the termination, the extent to which funding of Project work under these Provisions is terminated and the date upon which such termination becomes effective, if beyond thirty (30) days after receipt. During the period before the effective termination date, **CONTRACTOR** and **STATE** shall meet to attempt to resolve any dispute.

ARTICLE V. REPORTS AND RECORDS

SECTION 1. **CONTRACTOR**, its contractors and all subcontractors shall all establish and maintain Project specific accounting systems and records that conform to Generally Accepted Accounting Principles (GAAP), properly accumulate and segregate incurred costs by line item for the Project, enable the determination of incurred Project costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices. All accounting records and other supporting papers of **CONTRACTOR**, its contractors and all subcontractors connected with Project performance under this Contract shall be maintained for a minimum of three (3) years from the date of final payment to **CONTRACTOR** under these Provisions and shall be held open to inspection and audit by representatives of **STATE**, the California State Auditor and auditors of the Federal Government. Copies thereof will be furnished upon request. In conducting an audit of costs claimed under these Provisions, **STATE** will rely, to the maximum extent possible, on any prior audit of **CONTRACTOR**, its contractors and any subcontractors pursuant to the provisions of federal and state laws. In the absence of such an audit, any acceptable audit work performed by **CONTRACTOR**, external and internal auditors and/or federal auditors will be relied upon and used by **STATE** when planning and conducting additional audits.

SECTION 2. Cost Principles

- A. The **CONTRACTOR**, its Contractors and all subcontractors agree to comply with the Office of Management and Budget Circular A-87, Cost Principles for State and Local Governments, and 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Contracts to State and Local Governments. **CONTRACTOR**, its Contractors and all subcontractors must agree that contract cost principles, at least as restrictive as 48 CFR, Federal Acquisition System, Chapter 1, Part 31, shall be used to determine the allowability of individual project cost items.
- B. Any costs for which the **CONTRACTOR** has received payment that are determined by subsequent audit to be unallowable under Office of Management and Budget Circular A-87 or 49 CFR Part 18 are subject to repayment by **CONTRACTOR** to **STATE**. Should the **CONTRACTOR** fail to reimburse moneys due **STATE** within thirty (30) days of demand, or within such other period as may be agreed between the parties hereto, **STATE** is authorized to withhold future payments due **CONTRACTOR** from any source including but not limited to, the State Treasurer, the State Controller and the **CTC**.
- C. **CONTRACTOR** agrees to include Project in the schedule of projects examined in any annual audit and in the schedule of projects examined under any single audit that is in accordance with Office of Management and Budget Circular A-133.

SECTION 3. **CONTRACTOR** will insert clauses requiring the inclusion of the obligations undertaken in Sections 1 and 2 above of this Article V in all of **CONTRACTOR's** contracts and subcontractors funded in whole or in part by **STATE** under this Contract.

SECTION 4. Subject to the discretion of **STATE**, **CONTRACTOR** and **STATE** agree to conduct, on a quarterly basis, on-site reviews of all aspects of the progress of the Project. The first quarterly review meeting shall take place within ninety (90) days following execution of this Contract. **CONTRACTOR** agrees, during each quarterly progress review, to inform **STATE** regarding (1) whether the Project is proceeding on schedule and within budget, (2) any requested changes to the Project Management Plan, (3) major accomplishments during the quarter, (4) any actual or anticipated problems which could lead to delays in schedule, increased costs or other difficulties, (5) the status of the Project Budget and, (6) the status of critical elements of the Project. **CONTRACTOR** shall provide a written report to **STATE** at or prior to each quarterly review meeting detailing the project status for each category shown above. **STATE** will consider whether reported Project activities are within the Project Scope of Work and in compliance with State laws, regulations, administrative requirements and implementation of the Project under this Contract.

SECTION 5. It is permissible for **CONTRACTOR** to expend Project funds as needed and to move funds between expenditure line items within the Estimated Expenditures Budget portion of the Project Scope of Work with maximum flexibility in accordance with revised budgets furnished to **STATE** prior to the actual expenditures. However, **CONTRACTOR** shall notify and obtain approval from **STATE** of any proposed changes in excess of ten percent (10%) in any expenditure category prior to actual expenditure. For proposed changes in excess of twenty percent (20%) in any expenditure category or for a reduction in proposed Project work or service levels, advance **STATE** approval must be obtained in writing and **STATE** will determine whether the proposed change is significant enough to warrant **CTC** review. Should a proposed change require any increase in State funds, the **CTC** and **STATE** must approve that change in advance of those Project funds being expended by **CONTRACTOR**.

SECTION 6. If **CONTRACTOR** and **STATE** determine, at any time during the performance of the Project that the Project budget may be exceeded, **CONTRACTOR** shall take the following steps:

- (1) Notify the designated **STATE** representative of the nature and projected extent of the overrun and, within a reasonable period thereafter, identify and quantify potential costs savings or other measures which will bring the budget into balance,
- (2) Schedule the projected overrun for discussion at the next Quarterly Review meeting, and
- (3) Identify the source of additional **CONTRACTOR** funds which can be made available to complete Project.

ARTICLE VI. GENERAL PROVISIONS

SECTION 1. In the performance of Project work, **CONTRACTOR**, its contractor(s) and all subcontractors shall not unlawfully discriminate, harass or allow harassment, against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (cancer), age (over 40), marital status, denial of family care leave and medical care leave, and denial of pregnancy disability care leave. **CONTRACTOR**, its contractor(s) and all subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. **CONTRACTOR**, its contractor(s) and all subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code Sections 12900 et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Sections 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12900 et seq., are set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations and are incorporated into this Contract by this reference and made a part hereof as if set forth in full. Each of the **CONTRACTOR's** contractors and their subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have collective bargaining or other labor Contracts. **CONTRACTOR** shall include the non-discrimination and compliance provisions of this clause in all contracts and subcontracts to perform work under this Contract.

SECTION 2. **CONTRACTOR**, its contractor(s) and all subcontractors will permit access to all records of employment, employment advertisements, application forms and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by **STATE**, for the purpose of investigating to ascertain compliance with this Article VI.

SECTION 3. **CONTRACTOR** agrees to insert, in appropriate contracts, clauses to accomplish the effect of Sections 1 and 2 of this Article VI and Labor Code mandating that all workers employed on public works projects (as defined in Labor Code Sections 1720-1815) will be paid not less than the general prevailing wage rate as predetermined by the Director of Industrial Relations.

SECTION 4. Business Enterprise Participation

- A. Should Public Contract Code Sections 2000 or 10115 et seq. or Military and Veterans Code **Sections** 999 et seq. [Disabled Veterans Business Enterprises goal of three percent (3%)] be applicable to **CONTRACTOR**, **CONTRACTOR** will meet those applicable goals in the **CONTRACTOR'S** award of every contract for work to be performed under this Contract.
- B. **CONTRACTOR** shall have the sole duty and authority under this Contract to determine whether good faith efforts were sufficient as outlined in Public Contract Code Sections 2000 and 10115 et seq. and in Military and Veterans Code Sections 999 et seq.

SECTION 5. Neither **STATE** nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by **CONTRACTOR**, its agents, contractors and subcontractors under, or in connection with any work, authority, or jurisdiction delegated to **CONTRACTOR** under this Contract or as respects environmental remediation obligations or duties of **CONTRACTOR** relative to a Project. It is also understood and agreed that, pursuant to Government Code Section 895.4, **CONTRACTOR** shall fully indemnify and hold **STATE** harmless from any liability imposed for injury (as defined by Government Code 810.8) or environmental obligations or duties arising or created by reason of anything done or imposed by operation of law or assumed by, or omitted to be done by **CONTRACTOR** under or in connection with any work, authority, or jurisdiction delegated to **CONTRACTOR** under this Contract.

SECTION 6. Subject to the terms and provisions of this Contract, **CONTRACTOR** shall be the owner of all improvements and property included in the Project constructed, installed or acquired by **CONTRACTOR** unless the Project Scope of Work explicitly provides to the contrary, whether with funding provided to **CONTRACTOR** under this Contract or otherwise. **CONTRACTOR** is obligated to continue operation and maintenance of the Project dedicated to the public transportation purposes for which the Project was initially approved unless **CONTRACTOR** ceases ownership of such Project property or ceases to utilize the Project for the intended public transportation purposes or sells or transfers title to or control over Project and **STATE** is refunded the Credits due **STATE** as provided herein below of this Article VI, 8. The Project right of way, the Project facilities constructed or reconstructed on the Project site and/or Project property purchased (excluding construction easements and excess property whose proportionate resale proceeds are distributed pursuant to this Contract) or rehabilitated shall remain permanently dedicated to public transit use in the same proportion and scope and to the same extent as described in this Contract unless **STATE** subsequently agrees otherwise in writing. Equipment acquired as part of the Project, including rail passenger equipment, shall be dedicated to that passenger use for the full economic life cycle of the equipment, including any extensions of that life cycle achieved by reconstruction, rehabilitation or enhancements regardless of the sources of funding for that life cycle extension.

SECTION 7. To the extent that **CONTRACTOR** operates and maintains Intermodal Transfer Stations, **CONTRACTOR** shall maintain those stations and all appurtenances, including, but not limited to, the restroom facilities and parking facilities used to support the Project or included as part of the Project, in good condition and repair and in accordance with the highest standards of cleanliness (Public Utilities Code, **SECTION** 99317.8). Upon the request of **STATE**, **CONTRACTOR** shall also authorize state-funded bus services to use these stations, parking facilities and appurtenances without any charge to **STATE** or the bus operators. This permitted use will include the placement of signs and informational material designed to alert the public to the availability of these state-funded bus services (for the purpose of this "state-funded bus service" means any bus service funded pursuant to Public Utilities Code Section 99316 or any other service funded by **STATE**).

SECTION 8. Except as otherwise set forth in this Section 8, **STATE**, or any assignee public body acting on behalf of **STATE** or the **CTC**, shall be entitled to a refund or credit, at **STATE's** sole option, equivalent to the proportionate funding participation in the Project by **STATE** should **CONTRACTOR** cease to utilize the Project for the described and intended public transportation purposes or the **CONTRACTOR** sells or transfers title to or control over the Project. **STATE** shall also be entitled to an equivalent acquisition credit for any future purchases or condemnation of all or portions of the Project by **STATE** or a **STATE** designee or assignee. The refund or credit due **STATE** will be computed by the funding ratio of **STATE** and other non-**CONTRACTOR** funding dedicated to the Project measured against the level of **CONTRACTOR** funding participation applied to the then (date of future acquisition, sale or transfer) present fair market value of the Project property.

SECTION 9. In determining the fair market value of the Project property for purposes of calculating **STATE's** refund or credit under these Provisions, any portions of the Project site contributed by **CONTRACTOR** shall not be included unless matching fund credit was claimed by **CONTRACTOR**. In determining **STATE's** proportionate funding participation, **STATE's** contributions to parties other than **CONTRACTOR** shall be included as part of the **STATE** funding if those **STATE** contributions were made a part of Project funding.

SECTION 10. After **STATE** has received the refund or credit as provided in Section 8 above because **CONTRACTOR** ceased to utilize the Project for the intended public transportation purposes or sold or transferred title to or control over the Project, neither **CONTRACTOR** and/or any person to whom **CONTRACTOR** has transferred title or control shall any longer have any obligation under this Contract to continue operation of the Project and/or dedicate the Project or its facilities for public transportation purposes and that transferee may then use the Project property and any of its facilities for any lawful purpose.

SECTION 11. This Contract and these Provisions, including the **CTC** Resolutions, the Scope of Work document, and all included Attachments to this Contract, constitute the entire terms of The Intercity Rail Passenger Facility Contracts between the parties for the Project work to be performed.

SECTION 12. Disabled access review by the Department of General Services (Office of State Architect) is required for all publicly funded construction of buildings, structures, sidewalks, curbs and related facilities. No construction contract for that type of facility will be awarded by **CONTRACTOR** unless **CONTRACTOR's** plans and specifications for such facilities conform to the provisions of sections 4450 and 4454 of the California Government Code. Further requirements and guidance are provided in Title 24 of The California Administrative Code and the Americans with Disabilities Act (Federal law). **CONTRACTOR** shall also provide **STATE** with two (2) full sets of plans and specifications for **STATE's** review at the fifty percent (50%) design completion level and again at the ninety percent (90%) design completion phase. **CONTRACTOR** must receive **STATE's** written approval of those plans and specifications prior to incurring any Project construction costs under the Scope of Work funded by this Contract.

SECTION 13. The State Fire Marshal adopts building standards for fire safety and panic prevention. Such regulations pertain to fire protection design and construction, means of egress and adequacy of exits, installation of fire alarms, and fire extinguishers systems for any State owned or State occupied buildings per section 13108 of the Health and Safety Code. **CONTRACTOR** must assure that all relevant Project plans meet the standards of the State Fire Marshal to ensure consistency with State fire protection standards for intercity rail passenger facilities.

SECTION 14. The remedy for the resolution of contract claims under this Contract shall be by binding arbitration. Unless otherwise agreed by **STATE** and **CONTRACTOR**, arbitration shall be held in Sacramento, California and shall be conducted by a single arbitrator selected by the parties from the certified list created by the Public Works Contract Arbitration Committee pursuant to Public Contract Code 10240.

SECTION 15. Compliance with all resource protection laws for the Project is required prior to **CONTRACTOR** requesting authority from **STATE** in writing to expend funds for construction or any right of way purchase. No public entity shall request funds nor shall any state agency, board or commission authorize expenditures of funds for any project, except feasibility or planning studies, which may have a significant effect on the environment unless such a request is accompanied by environmental documentation required in California Government Code 21102. The California Environmental Quality Act (CEQA) does provide, in California Government Code 21080(b)(10), an exemption for rail projects which institute or increase passenger or commuter services on rail or highway rights of way already in use. Documentation of the decision to employ this exemption is required, and must

be approved by the **STATE**. **CONTRACTOR** shall also provide **STATE** with a draft of any environmental document produced for Project work thereunder for **STATE's** approval or review as appropriate.

CONTRACTOR must receive **STATE's** written comment to that environmental documentation prior to incurring any construction costs under the Scope of Work established as part of this Contract.

SECTION 16. **CONTRACTOR** shall furnish **STATE** with a Project Close-Out Report within one-hundred and eighty (180) days of Project completion in accordance with the CTC policy on the "Timely Use of Funds" as set forth in G-99-25, adopted August 18, 1999 and G-00-20, adopted July 19, 2000.

a) Funds allocated for project development or right of way costs must be expended by the end of the second fiscal year following the fiscal year in which the funds were allocated, unless an extension of time was approved by the CTC. **CONTRACTOR** must invoice **STATE** for these costs no later than 180 days after the fiscal year in which the final expenditure occurred.

b) Funds allocated for construction or for rail/transit equipment must be encumbered by the award of a contract within twelve months of the date of the allocation of funds, unless an extension of time was granted by the CTC. After the award of the 3rd party contract, **CONTRACTOR** has up to 36 months to complete (accept) the contract. **CONTRACTOR** must provide proof of the 3rd party contract award to extend this Contract for the 36 months from the contract award date. **CONTRACTOR** then has 180 days after contract acceptance to make final payment to the contractor or vendor, prepare the Project Close-Out Report and submit the final invoice to **STATE** for reimbursement.

ARTICLE VII. BOND PROVISIONS

SECTION 1. If the Project funding is being provided in whole or in part pursuant to the Clean Air and Transportation Improvement Act of 1990 (Proposition 116), the following additional provisions apply to **CONTRACTOR**.

(1) **CONTRACTOR** shall coordinate and share with other public transit operators any Project related facilities used for intercity rail services. Intercity and commuter rail services shall be coordinated with each other, with other providers and with freight traffic to provide integrated rail passenger and freight services with minimal conflict.

(2) **CONTRACTOR** agrees that all passenger rail facilities acquired or constructed pursuant to this Contract shall be accessible to persons with physical disabilities, including wheelchair users. Any passenger vehicles and vessels acquired pursuant to this Contract shall be accessible to wheelchair users at all stops, stations and terminals, whether or not staffed.

SECTION 2. **CONTRACTOR** shall not loan any portion of the funds represented by this Contract to any private (including nonprofit) person or business. For this purpose, a "loan" includes any arrangement which is the economic equivalent of a loan, regardless of how it is named or structured.

SECTION 3. Except as provided in this Article VII, **STATE** and **CONTRACTOR** agree that any costs of the Project acquired or constructed by **CONTRACTOR** allocable to portions of the Project which are subject to any property interests held by a non-governmental person(s) in connection with business activities, such as easements, leases, or fee interests not generally enjoyed by the public, (hereafter referred to as Non-governmentally Used Property or "NUP") shall, for accounting and bookkeeping purposes, be allocated to funding sources other than State bond funds. For purposes of making such allocations, the costs attributable to NUP involving a sale, easement, lease or similar arrangement shall be determined on the basis of a fair allocation of value, which may include determinations based upon square or cubic footage/acreage of the area encumbered by the lease or easement relative to the total area acquired or constructed if all such is of approximately equal value. NUP will include, but is not limited to, property which is sold (including sales of air and subsurface rights) and property subject to easements, leases or similar rights. A rail right of way will not be treated as NUP solely as a result of a Freight Use Easement retained by the seller of the right of way to **CONTRACTOR**, provided that the sales Contract appropriately excludes the Freight Use Easement from the property or rights being acquired. Further, notwithstanding anything in this Article VII to the contrary, **CONTRACTOR** may allocate grant funds to the cost of any NUP if (1) neither **CONTRACTOR** nor any other governmental entity will receive, directly or indirectly, any payments from or on behalf of the non-governmental user of

the NUP, or (2) the payment from such user does not exceed the operation and maintenance costs fairly attributable or allocable to the non-governmental use of the NUP.

SECTION 4. **CONTRACTOR** shall request, in writing, **STATE's** advance approval if Project funds are to be allocated to any NUP, except "incidental use" property described below. If property, the costs of which have previously been allocated to Project funds, is to become NUP before the State bond funds are fully paid or redeemed, then **CONTRACTOR** may allocate the costs of such property to another funding source utilized for this Project as provided in Section 3 of this Article VII, or obtain **STATE's** approval that the allocation of the costs of such property to the grant funds may remain. It is anticipated that **STATE** approval will be granted if, taking into account the existing and expected uses of the proceeds of the State bonds, the **STATE** determines that the continued tax-exempt status of the State bonds will not be adversely affected and that the use of the property is consistent with the Project and its described purpose.

For purposes of these fund source allocations (Article VII, Section 3), **CONTRACTOR** does not have to take into account as NUP those traveler oriented "incidental uses" of the Project (For example, advertising billboards, vending machines, telephones, etc.) which meet requirements of the federal tax regulations (IRS Notice 8-69 or any successor thereto). In general such Notice requires that the incidental use not be physically separated from the rest of the Project and not comprise, in the aggregate, more than 2-1/2% of the total costs of the Project.

SECTION 5. If **CONTRACTOR** enters into a management contract with a private party (including AMTRAK) for operation of rail, or other transportation services in connection with the Project, it will either (1) obtain approval from Bond Counsel acceptable to **STATE** that the terms of that management contract meet the requirements of Internal Revenue Service Revenue Procedure 82-14 (as supplemented or amended) or any other successor thereto (dealing generally with guidelines for when management contracts may be deemed not to create a "private use" of bond-financed property) or are otherwise acceptable; or (2) be prepared to certify upon request of **STATE** that the revenues which **CONTRACTOR** (or its manager) will receive directly from the operation of transportation services in connection with the Project (but not including any subsidy of the transportation operation from taxes or other outside fund sources) are for any fiscal year less than the ordinary and necessary expenses directly attributable to the operation and maintenance of the transportation system (excluding any overhead or administrative costs of **CONTRACTOR**). In any year for which option two (2) will not be true, **CONTRACTOR** shall consult Bond Counsel acceptable to the **STATE** and the State Treasurer's Office to obtain approval of the management contract or an opinion that the circumstances then present will not adversely affect the tax-exempt status of the bonds.

SECTION 6. If **CONTRACTOR** receives any revenues or profits from any NUP allowed pursuant to this Article VII (whether approved at this time or hereafter approved by **STATE**), **CONTRACTOR** agrees that all such revenues or profits shall be used exclusively for the public transportation services for which the Project was initially approved, either for capital improvements or operating costs. If **CONTRACTOR** does not so dedicate the revenues or profits, a proportionate share shall (unless disapproved by Bond Counsel) be paid to **STATE** equivalent to **STATE's** percentage participation and interest in the Project as measured by Article VI, Section 8 of this Contract.

ARTICLE VIII - APPROVALS

SECTION 1. **CONTRACTOR** has executed this Contract pursuant to its legal authority granted to bind and obligate Contractor to this Contract. That Legal Authority is evidenced in **CONTRACTOR's** authorizing Resolution attached hereto as Attachment IV.

IN WITNESS WHEREOF, the parties hereto have executed this Contract by their duly authorized officers.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

SAN BERNARDINO ASSOCIATED GOVERNMENTS

BY _____
WILLIAM D. BRONTE
Chief, Division of Rail

Date

BY _____
DENNIS HANSBERGER
President – Board of Directors

Date

ATTACHMENTS

- I. Project Description, Scope of Work and Project Budget
- II. CTC Project Allocation Resolution
- III. CTC Resolution G91-2
- IV. Contractor Resolution

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 15

Date: April 4, 2007

Subject: Authorize the Request for Qualifications (RFQ) for the preparation of Plans, Specifications, and Estimate (PS&E) for I-10 Westbound Lane Addition

Recommendation:* Authorize staff to release RFQ No. C08002 for the I-10 Westbound Lane Addition PS&E.

Background: **This action will lead to the award of a new consultant contract for engineering related services.** The I-10 Westbound Lane Addition project is currently in the last stages of preliminary engineering and environmental clearance and is expected to be complete by summer 2007. The project proposes to construct a fourth mixed flow lane to westbound I-10 between the Ford St interchange in Redlands and Live Oak Canyon Road interchange in Yucaipa. The project also includes drainage improvements, retaining walls, a sound wall, and tie-ins to Yucaipa Blvd on-ramp.

The project is funded by Measure I and Proposition 1B funds. The California Transportation Commission (CTC) approved \$26.5 mill of Corridor Mobility Improvement Account (CMIA) for the construction of this project. A condition of receipt of these funds is construction must begin no later than 2012. The next step in proceeding with this project is releasing the RFQ for PS&E services. The PS&E development is anticipated to take two years and the project would proceed to construction in the winter of 2010.

Financial Impact: This action has no financial impact.

*

Approved
Board of Directors

Date: _____

Moved: Second:

In Favor: Opposed: Abstained:

Witnessed: _____

Board Agenda Item
April 4, 2007
Page 2

Reviewed By: This item was reviewed and unanimously recommended for approval by the Major Projects Committee on March 15, 2007. *(Meeting chaired by Grace Vargas)*

Responsible Staff: Darren Kettle, Director of Freeway Construction

Draft

ATTACHMENT "A"

Scope of Services

By and between

San Bernardino County Transportation Authority

And

TBD

To

Provide Design Engineering Services

For

Interstate 10 (I-10) Westbound Lane Addition Project

**Cities of Redlands and Yucaipa,
San Bernardino County**

INDEX

A. DESCRIPTION OF SERVICES

- Project Location and Description

B. APPLICABLE STANDARDS

- General Guidelines and Services to be Performed by Consultants

C. SERVICES PERFORMED BY CONSULTANT

- Engineering Design Services Scope

D. FURNISHED MATERIALS

E. ADMINISTRATION

- AUTHORITY Project Management and Administration
- CONSULTANT Project Management and Administration
- Project Controls
- Monthly Progress Reports
- Quality Assurance
- Reproduction Services
- Submittal and Reviews

A. **DESCRIPTION OF SERVICES**

The San Bernardino Associated Governments/San Bernardino County Transportation authority (AUTHORITY), in cooperation with the California Department of Transportation (Caltrans), will utilize the services of CONSULTANTS to provide design engineering services as described below. The scope of services is for the development of the Plans, Specifications, and Estimates (PS&E) for the addition of one (1) mixed flow lane addition on westbound Interstate 10 (I-10) between Ford St in the City of Redlands and Yucaipa Blvd in the City of Yucaipa.

Coordination of CONSULTANT, AUTHORITY, and Caltrans will be accomplished through a Consultant Project Manager, AUTHORITY Contract Manager or his designee, and a Caltrans Project Manager.

The AUTHORITY Contract Manager for this contract shall be:

Mr. Darren Kettle
Director of Freeway Construction

CONSULTANT shall be required to perform all professional and technical engineering services necessary to prepare the PS&E. CONSULTANT shall also be required to make itself available during construction bidding procedures and the construction phase of the project to perform those duties requested of them by SANBAG, and with SANBAG approval, by CALTRANS.

PROJECT LOCATION AND DESCRIPTION

The project proposes to construct a mixed flow lane in the westbound direction of I-10 from Ford St in the city of Redlands and Live Oak Canyon in the city of Yucaipa. The total project length is 3.8 miles. The purpose of this project is to relieve traffic congestion currently experienced at and in the vicinity of the project area.

There is one build alternative in the Project Report/Project Study Report (PR/PSR). The build alternative proposed to add the 3.66 m lane to the existing median between Ford St. and Yucaipa Blvd. From Yucaipa Blvd to Live Oak Canyon Road the lane will be added to the outside. Other project features include drainage improvements, retaining walls, a sound wall, and tie-ins to the Yucaipa Blvd on-ramp.

B. **APPLICABLE STANDARDS**

All project deliverables and related material shall be prepared in accordance with current *English* Caltrans and Federal Highway Administration (FHWA) regulations, policies, procedures, manuals, and standards.

General Guidelines and Services to be Performed by Consultants

CONSULTANT will be responsible for the services outlined in this Scope of Services. CONSULTANT services shall conform to the standards, criteria, and requirements of this Scope of Services. In addition, as a part of this project CONSULTANT may be required to provide on-call engineering and environmental services. Services may include but not be limited to:

- A. Roadway design shall be in accordance with the current edition of the CALTRANS Highway Design Manual, the English Highway Design Standards, Standards for English Plane, English Standard Specification, Traffic Design Manual.
- B. Basic design shall be in accordance with the existing draft PR/PSR, the PR/PSR once it is approved, and the Geometric Approval Drawings.
- C. Plans shall be prepared in conformance with the current editions of the CALTRANS Drafting and Plans Manual and the CALTRANS CADD Users Manual.
- D. Plans, specifications, and estimates shall be prepared in conformance with the current editions of the CALTRANS Plans, Specifications, and Estimates Guide.
- E. Structure plans, specifications, and calculations for non-standard retaining walls shall be in accordance with the current editions of the CALTRANS Division of Structures manuals.
- F. All surveys shall conform with the current CALTRANS Surveys Manual.
- G. All deliverables and supporting materials furnished under this Scope of Services shall be of a quality acceptable to FHWA, Caltrans, and AUTHORITY. The criteria for acceptance shall be a product of neat appearance, well organized, technically and grammatically correct and checked. The appearance, organization and content of all deliverables and supporting materials shall be to Caltrans and FHWA standards.
- H. The CONSULTANT shall maintain a set of project files that are indexed in accordance with Caltrans' Project Development Uniform File System.
- I. AUTHORITY reserves the right to approve all project scope of services changes. Any changes resulting from the addition, deletion, or revisions to the Scope of Services will not be made without prior written approval from AUTHORITY. The CONSULTANT shall not be compensated for making any changes to the project Scope of Services other than those approved in writing by AUTHORITY.
- J. CONSULTANT shall not suspend performance of CONSULTANT services contract with AUTHORITY during the negotiations of any change orders except as they may be directed by AUTHORITY. CONSULTANT shall perform all changes in accordance with the terms and conditions of CONSULTANTS contract with AUTHORITY.
- K. At the completion of this Scope of Services all electronic files and original correspondence relating to the Project shall be turned over to AUTHORITY who will then forward said files to Caltrans. This includes all deliverables, working data, field data, background information and all other related information.

- L. CONSULTANT shall employ quality control procedures that identify potential risks and uncertainties related to construction of the Project. Risks that may be encountered include, but are not limited to, impacts to adjacent properties, public safety, and environmental considerations. If at any time during the performance of this Scope of Services, CONSULTANT observes, encounters, or identifies any circumstance that could pose potential risk, CONSULTANT shall notify AUTHORITY.
- M. CONSULTANT shall coordinate with Caltrans and all other agencies involved or potentially impacted by the Project. CONSULTANT shall inform AUTHORITY prior to all contacts, meetings, and correspondence on project related issues with Caltrans or any other agencies.
- N. CONSULTANT will be responsible for obtaining all rights of entry as necessary.
- O. All studies, reports and deliverables will employ US Customary units where applicable or necessary.

C. **SERVICES PERFORMED BY CONSULTANT**

Design Engineering Services

CONSULTANT shall be responsible for the Service outlined in this Scope of Services. CONSULTANT services shall conform to the standards, criteria, and requirements of this Scope of Services, and shall include all plans, specifications, estimates, reports, and special provisions necessary to complete the Project.

It is not the intent of the following paragraphs to relieve CONSULTANT of professional responsibilities during the performance of this Scope of Services. In all instances where CONSULTANT believes this Scope of Services has not identified requirements that may be pertinent to producing a complete PS&E, CONSULTANT shall promptly notify AUTHORITY's Contract Manager of CONSULTANT's opinions with evidence thereof.

CONSULTANT shall provide a project approach or management plan that will define the basic schedule and work tasks.

General Description of Required Services

CONSULTANT shall be responsible for the Services outlined in this Scope of Services. CONSULTANT services shall conform to the standards, criteria, and requirements of this Scope of Services.

- A. CONSULTANT shall carry out the instructions as received from SANBAG's Contract Manager, or his designee, and shall cooperate with CALTRANS, other agencies, and other consultants providing Services for the Project.
- B. It is not the intent of the foregoing paragraph to relieve CONSULTANT of professional responsibility during the performance of this Scope of Services. In those instances where CONSULTANT believes a better design, or solution to a problem is possible, CONSULTANT shall promptly notify SANBAG's Contract Manager of these concerns, together with reasons therefor.

- C. CONSULTANT shall coordinate its Services with other consultant(s) and contractors in support of the Project or related projects. Any problems or conflicts shall be brought to the immediate attention of SANBAG.
- D. At the completion of this Scope of Services all files and correspondence relating to the Project shall be turned over to SANBAG. This includes all working data, field data, and background information used in creating the deliverables listed in the Scope of Services.
- E. CONSULTANT shall obtain, at its expense, all applicable CALTRANS Manuals and Standard Plans.
- F. SANBAG will be responsible for all construction bidding procedures. In the event that items requiring interpretation in the drawings or specifications are discovered during the bidding period, said items shall be analyzed by CONSULTANT for decision by SANBAG as to the proper procedure required. Corrective action will be in the form of an addendum prepared by CONSULTANT and issued by SANBAG, or, by a covering change order after the award of the construction Contract.
- G. Provisions of the Construction Support Services are not intended to and will not in anyway create a contractual relationship between CONSULTANT and the construction contractor. The provisions are not intended to and shall not be construed as making CONSULTANT responsible for the failure of the construction contractor to perform the work in accordance with the Contract documents or for the construction means, methods or techniques procedures sequences or safety procedures employed by the construction contractor in the performance of the work.
- H. CONSULTANT shall be required to furnish all necessary additional drawings for corrections and change orders required by errors and/or omissions of CONSULTANT. Such drawings will be requested in writing from CONSULTANT by SANBAG and shall be at no additional cost to SANBAG. All original tracing(s) of the drawings and Contract wording for change orders shall be submitted to SANBAG for distribution.
- I. CONSULTANT may be required to attend a Partnering workshop with SANBAG and the construction contractor. This workshop will be at the request of the contractor.
- J. CONSULTANT may be requested to prepare any addenda required to clarify the work included in the Contract documents. Addenda may be based on site inspection, or questions developed in the pre-bid conference, or conditions discovered by bidders during the bid period.
- K. CONSULTANT shall be available to respond to questions in the field that may arise relative to the plans, details, or special provisions during construction.

- L. CONSULTANT shall be available to visit the job site for on-site review of construction, or to resolve any discrepancies in the Contract documents. CONSULTANT shall bring to the attention of the SANBAG Resident Engineer any defects or deficiencies in the work which CONSULTANT may observe. CONSULTANT shall have no authority to issue instructions on behalf of either SANBAG. All construction agreements are between SANBAG and its construction contractor.
- M. CONSULTANT shall review all submittal and shop drawings submitted by the resident engineer and the Caltrans Documents unit. CONSULTANT shall review submittals within the durations listed below. The durations are based on those called for in the Standard Specifications and Special Provisions for the particular type of document being submitted, less the following time period to account for transmittance of documents:
- One (1) day per week shall be deducted from review periods specified as 1 week or more in the Standard Specifications and Special Provisions.
 - One (1) day shall be deducted from review periods specified to be less than 1 week in the Standard Specifications and Special Provisions.
- Contract change order reviews shall be completed within three working days of receipt by the CONSULTANT for typical change order requests. Additional review time may be allotted for major change order requests.
- N. CONSULTANT shall appoint a responsible member of the firm to be the contact person for all construction support services. That person should be continually available during the course of construction for review and updating of design plans.
- O. CONSULTANT shall make every reasonable effort to process any material presented for review in a prompt manner.
- P. Upon completion of construction CONSULTANT shall be required to prepare and deliver to SANBAG the final "As-Builts" utilizing information provided by the SANBAG Resident Engineer. Preparation of microfilm of the "As-Builts" is not included in this task.
- Q. Drawings and amendments, required due to actions of SANBAG/CALTRANS, which are beyond the scope of CONSULTANT responsibilities, shall be considered extra services.

D. FURNISHED MATERIALS

AUTHORITY will provide CONSULTANT with a copy of the draft PR/PSR, upon approval final PR/PSR, the environmental document, the approved mandatory and advisory fact sheets, and the Geometric Approval Drawings.

E. ADMINISTRATION

AUTHORITY Project Management and Administration

A As part of their management activities AUTHORITY shall:

1. Conduct ongoing reviews of CONSULTANT's progress in performing the work and furnish technical comments in a timely manner.
2. Review certain types of correspondence such as, work requests to subconsultants, initial contact letters, sensitive correspondence, and other letters as necessary.
3. Coordinate the distribution of public information.
4. Review CONSULTANT's Quality Control Plan and CONSULTANT's conformance to its Quality Control Plan.
5. Provide a focal-point contact for all questions, requests, and submittals.
6. Review the Project Control documents (including subconsultants) submitted by CONSULTANT to ensure their understanding of the level of information required, reporting procedures, report cycle, and the intended use of each.
7. Review CONSULTANT's detailed Critical Path Method (CPM) Logic Network Schedule; note any additions, deletions, or other changes; and return it to CONSULTANT with comments for revision.
8. Receive and review monthly progress reports from CONSULTANT.
9. Review with CONSULTANT, requests for change orders and/or extensions of time when such requests are determined to be necessary.
10. Have final review and approval over all contractual payments and changes.

CONSULTANT Project Management and Administration

A. CONSULTANT management activities include, but are not limited to:

1. Establishing, furnishing, and maintaining suitable office facilities to serve as the Contract office for the duration of the Contract in the location specified in CONSULTANT's proposal.
2. Maintaining an adequate staff of qualified support personnel to perform the work necessary to complete the Project.
3. Establishing internal accounting methods and procedures acceptable to AUTHORITY for documenting and monitoring Contract costs.
4. Providing cost-to-date, schedule, progress, staffing, and related data to AUTHORITY as a part of the regular monthly progress and payment process.

B. CONSULTANT's work shall be performed and/or directed by those key personnel identified in their proposal. Any changes in the indicated key personnel shall be subject to prior review

and approval by AUTHORITY in writing. Any change in CONSULTANT's officer-in-charge of the Services, as described in the General Terms and Conditions of this Contract, shall be subject to prior review and approval by AUTHORITY.

- C. Due to the nature and scope of the required services, it may be desirable for the CONSULTANT to subcontract portions of the Services. Adding Subconsultants to the original proposal team must be approved in writing by AUTHORITY prior to initiation of any Services. Due to the nature and proportional amounts of engineering and environmental work, there could be instances whereby a subconsultant's portion of the project is greater than 49%. In the event this occurs, CONSULTANT shall bring it to AUTHORITY's attention immediately. AUTHORITY's Contract Manager will have the authority to grant exception. Throughout this effort CONSULTANT shall be the single source of contact and management of all subcontractors. Subcontractor management will include the coordination time required for all aspects of the project including design, processing, and accounting.
- D. CONSULTANT shall provide to AUTHORITY copies of all written correspondence between CONSULTANT and any party pertaining specifically to the Project. Copies shall be furnished within five calendar days of receipt of said correspondence from any party, or five calendar days prior to mailing of correspondence to any party for review. CONSULTANT is also responsible for recording and distributing the minutes of all meetings pertaining to the Project at which CONSULTANT is present.
- E. CONSULTANT shall give written notice to AUTHORITY within seven (7) working days after CONSULTANT knows or should know of any cause or condition which might, under reasonable foreseeable circumstances, result in delay for which CONSULTANT may request an extension of time to complete Services.

Project Controls

- A. As part of the Project Controls effort CONSULTANT shall, at the introductory meeting, present AUTHORITY with samples of their proposed project control documents for AUTHORITY's review. These documents shall include, but are not limited to:
 - 1. Bar Chart(s) Schedules
 - 2. Progress Curve(s)
 - 3. Sample Amendment Format
 - 4. Sample Narrative Format(s)
 - 5. Sample Estimate Format(s)
 - 6. Earned Value Cost Report
- B. CONSULTANT's Project Control System shall be able to:
 - 1. Determine the critical path for the Services in Contract.
 - 2. Forecast dates for intermediate milestones and project completion.

3. Provide a clear format to incorporate progress data on each activity.
 4. Provide reports showing actual progress compared to scheduled (planned) progress, and actual cost of services performed compared to (1) budgeted costs for services performed and (2) budgeted cost for services scheduled.
 5. Forecast possible delays and/or resource shortages.
 6. Provide a basis for preplanning, including resource usage to recover from delays, allow schedule improvement, or accommodate other changes in the work.
 7. Provide projected manpower requirements and dollar costs based on current performance.
 8. Provide current project cost estimate information.
 9. Provide all the estimates necessary to assist in confirming the construction budget.
- C. Within 15 working days (or as requested by AUTHORITY) of assignment of services the CONSULTANT shall submit to AUTHORITY for their review, a Bar Chart Schedule showing the Critical Path and identifying all project development activities and milestones. AUTHORITY will review these documents and return them to CONSULTANT with notes and comments as soon as possible in order to validate the planning and cost control procedures within the first calendar month of performance period.
- D. As the Contract work progresses, CONSULTANT may discover the need to change the schedule to improve productivity or accommodate new or changed conditions. Any proposed change to the schedule shall be presented to AUTHORITY for review and validation prior to incorporation in the schedule.
- E. CONSULTANT shall report in a timely manner, through correspondence or progress reports, whenever it appears that approved schedules will not be met whether or not the reasons are within the CONSULTANT's control. In the event the Scope and Schedule of the Services is modified, and the modified Schedule is approved by AUTHORITY, CONSULTANT shall submit a revised Milestone Schedule. CONSULTANT shall perform the Services in accordance with the latest approved revision Milestone Schedule.

Monthly Progress Reports

- A. On a monthly basis, CONSULTANT shall prepare and submit to AUTHORITY a monthly status report that indicates the work progress achieved during the period. The report shall summarize the actual work progress compared with estimated progress and will identify problem areas, provide evaluations, recommendations and an outline on the process which CONSULTANT, and AUTHORITY will follow to rectify the problem(s). The progress report shall be submitted with the monthly invoice. As a minimum, the monthly report should address the following specific areas:
1. Time related project status via a bar chart schedule

to CONSULTANT within 14 calendar days. If appropriate, the revised plan, which incorporates the comments of AUTHORITY, should be resubmitted within seven calendar days of receipt of comments.

- C. Evidence that the Quality Assurance Plan is functioning will be periodically confirmed by AUTHORITY. Deliverables that do not conform to the approved plan will be returned to CONSULTANT without review by AUTHORITY.

Reproduction Services

CONSULTANT shall provide the reproduction services required for the projects inclusive of the number of individual sets to be delivered for the submittal tasks outlined in this Scope of Services.

Submittal and Reviews

- A. Reports prepared by CONSULTANT shall be submitted in draft form, and opportunity provided for AUTHORITY and Caltrans to review and direct revisions prior to formal submittal. If so requested by AUTHORITY and Caltrans, CONSULTANT shall make other submittals in draft form to provide opportunity for review and revisions.
- B. If CONSULTANT fails to submit the required deliverable items set forth in this Scope of Services, AUTHORITY shall have the right to withhold payment and/or terminate CONSULTANTS contract in accordance with the provisions entitled "Termination" included in this Contract.

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 16

Date: April 4, 2007

Subject: Professional Services Amendment No. 2 to Agreement No. 06-018 with Peckar and Abramson for legal services for Route 71 Landscape Project litigation

Recommendation:* Approve Amendment No. 2 to Agreement 06-018 with Peckar and Abramson increasing the not to exceed amount by \$150,000 for a total not to exceed amount of \$350,000 and making adjustments in hourly rates. TN 81807000

Background: **This is an amendment to an existing contract.** In September 2005, the Board approved contract 06-018 with Peckar and Abramson for legal services for Route 71 Landscape project litigation. SANBAG had filed a lawsuit against the Contractor on the 71 Landscape Project in July 2005 and since that time SANBAG's legal team has undertaken an extensive discovery effort. Between developing the legal strategy for the lawsuit and the discovery efforts the contract amount has been depleted. In anticipation of mediation activities in the July 2006, the Board approved amendment no. 1 increasing the not to exceed amount to \$200,000. Regrettably the mediation was unsuccessful and we are now proceeding to the next phase in this litigation including extensive legal discovery and preparation for trial that would be expected in summer/fall of 2007. This amendment also makes upward adjustments in the hourly rates which have remained constant since September 2005. The Partner rate (Ms. Mary Salomone) increases from \$295/hour to \$315/hour, associate rate (John Pytel) from \$175/hour to \$210/hour and paralegal from \$110/hour to \$120/hour.

Financial Impact: This item is consistent with the SANBAG 2006/07 fiscal year budget and has been recognized in the development of the SANBAG 2007/08 Budget. The cost of this amendment increases the not to exceed amount to \$350,000. TN 8180700

*

*Approved
Board of Directors*

Date:

*Moved: Second:
In Favor: Opposed: Abstained:*

Witnessed: _____

Board Agenda Item
April 4, 2007
Page 2

Reviewed By: This item was reviewed and unanimously recommended for approval by the Major Projects Committee on March 15, 2007. *(Meeting chaired by Grace Vargas)*

Responsible Staff: Darren Kettle, Director of Freeway Construction
Jean Rene Basle, SANBAG Counsel

SANBAG Contract No. 06-018-02

by and between

San Bernardino County Transportation Authority

and

Peckar & Abramson

for

Rt. 71 Legal Services

FOR ACCOUNTING PURPOSES ONLY												
<input checked="" type="checkbox"/> Payable <input type="checkbox"/> Receivable	Vendor Contract # <u>06-018</u> Vendor ID _____	Retention: <input type="checkbox"/> Yes _____ % <input checked="" type="checkbox"/> No	<input type="checkbox"/> Original <input checked="" type="checkbox"/> Amendment									
Notes:												
Original Contract: \$ <u>100,000</u> Contingency Amount: \$ <u>0</u>	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%;">Previous Amendments Total:</td> <td style="text-align: right;">\$ <u>100,000</u></td> </tr> <tr> <td>Previous Amendments Contingency Total:</td> <td style="text-align: right;">\$ <u>0</u></td> </tr> <tr> <td>Current Amendment:</td> <td style="text-align: right;">\$ <u>150,000</u></td> </tr> <tr> <td>Current Amendment Contingency:</td> <td style="text-align: right;">\$ _____</td> </tr> </table>				Previous Amendments Total:	\$ <u>100,000</u>	Previous Amendments Contingency Total:	\$ <u>0</u>	Current Amendment:	\$ <u>150,000</u>	Current Amendment Contingency:	\$ _____
Previous Amendments Total:	\$ <u>100,000</u>											
Previous Amendments Contingency Total:	\$ <u>0</u>											
Current Amendment:	\$ <u>150,000</u>											
Current Amendment Contingency:	\$ _____											
Contingency Amount requires specific authorization by Task Manager prior to release.												
Contract TOTAL →				\$ <u>350,000</u>								
↓ Please include funding allocation for the original contract or the amendment.												
<u>Task</u>	<u>Cost Code</u>	<u>Funding Sources</u>	<u>Grant ID</u>	<u>Amounts</u>								
<u>81807000</u>	<u>5553</u>	<u>MIVMPF</u>	_____	\$ <u>50,000</u>								
<u>81808000</u>	<u>5553</u>	<u>MIVMP</u>	_____	\$ <u>100,000</u>								
_____	_____	_____	_____	\$ _____								
_____	_____	_____	_____	\$ _____								
Original Board Approved Contract Date: <u>9/7/05</u> Contract Start: <u>9/7/05</u> Contract End: <u>N/A</u> New Amend. Approval (Board) Date: <u>8/2/06</u> Amend. Start: <u>8/2/06</u> Amend. End: <u>N/A</u>												
If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:												
Approved Budget Authority →	Fiscal Year: <u>06/07</u> \$ <u>50,000</u>		Future Fiscal Year(s) – Unbudgeted Obligation → \$ <u>100,000</u>									
Is this consistent with the adopted budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, which Task includes budget authority? <u>818C6018</u> If no, has the budget amendment been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No												
CONTRACT MANAGEMENT												
Please mark an "X" next to all that apply:												
<input type="checkbox"/> Intergovernmental <input checked="" type="checkbox"/> Private <input type="checkbox"/> Non-Local <input type="checkbox"/> Local <input type="checkbox"/> Partly Local												
Disadvantaged Business Enterprise: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes _____ %												
Task Manager: Darren Kettle			Contract Manager: Chuck Wisdom									

3-8-07
 Task Manager Signature Date
 3/26/07
 Chief Financial Officer Signature Date

 Contract Manager Signature Date

Filename: a0601802css.doc

SANBAG CONTRACT NO. 06-018

AMENDMENT NO. 2

AGREEMENT BY AND BETWEEN

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

AND

Peckar & Abramson

This AMENDMENT No. 2 to SANBAG Contract No. 06-018 entered into as of this 4th day of April 2007 by and between Peckar & Abramson (hereinafter called "Attorneys") and the San Bernardino County Transportation Authority (hereafter called "SANBAG"):

WITNESSETH,

WHEREAS, SANBAG, under SANBAG Contract No. 06-018, has contracted with Attorneys to provide Legal Services for Route 71 Landscape Project litigation, and

WHEREAS, the parties desire to amend the aforesaid contract to revise the contract amount to provide additional legal services in connection with the Route 71 Landscape project;

NOW THEREFORE, the parties hereto do mutually agree to amend Contract No. 06-018 as follows:

1. Article 2, Performance of Services and Hourly Rates, Subsection "a", shall be amended as follows:

"Attorneys shall be compensated for services performed under this Contract at the following hourly rates:

Mary A. Salamone	\$315.00
John C. Pytel	\$210.00
Paralegal	\$120.00

Associates shall be billed at Attorneys' hourly rate for government clients for the assigned associate. Hourly rates under this contract shall be subject to revision with prior approval of SANBAG Counsel effective January 1 of each year. Fees under this contract shall not exceed \$350,000 unless prior approval is obtained from the SANBAG Board".

3. Except as amended by this Amendment, all other provisions of Contract 06-018 remain in full force and effect.

IN WITNESS THEREOF, the authorized parties have below signed:

Peckar & Abramson

San Bernardino County Transportation
Authority

By: _____

By: _____
Dennis Hansberger, President,
Board of Directors

Date: _____

Date: _____

Approved As To Form:

By: _____
Jean-Rene Basle
SANBAG Counsel

Date: _____

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 17

Date: April 4, 2007

Subject: Project Development Advancement for 2nd Series of Railroad Grade Separation Projects

Recommendation:* Approve "Loaning" Measure I Valley Major Projects Funds to Fund Project Development Activities for 2nd Series of up to Five (5) Railroad Grade Separation Projects to be repaid from Measure I 2010-2040 Arterial Funds

Background: Prior to AB 2928, the Traffic Congestion Relief Program (TCRP), in 2000, Alameda Corridor East railroad grade separation projects were generally initiated by local agencies in the San Bernardino Valley Area. The TCRP allocated \$95 million to SANBAG to distribute to Alameda Corridor East Grade Separation projects. The TCRP funded grade separation projects in Orange and Los Angeles counties as well and also required the four county region that also includes Riverside to develop the Alameda Corridor East Trade Corridor Plan that identified all freight railroad crossing that need to be improved in some manner to address the impacts of explosive growth in rail freight in Southern California.

The Plan was received by the California Transportation Commission in the Spring of 2001. Consistent with Trade Corridor Plan and based on an analysis that prioritized grade separation projects on reducing hours of delay at freight crossings, SANBAG allocated the \$95 million to a total of 5 projects, Ramona Avenue, Monte Vista Avenue, Milliken Avenue, State Street/University Pkwy, and Hunts Lane. Ramona and State/University will start construction in the next several months and the remaining three projects are well into final design. All five projects are fully funded through construction utilizing TCRP funds, various federal funds, Public Utilities Commission Funds, and railroad contributions.

*

Approved
Board of Directors

Date:

Moved: *Second:*
In Favor: *Opposed:* *Abstained:*

Witnessed: _____

With the approval of Prop 1B there are several at least two categories of funding that grade separation projects will be eligible to receive funding, the Trade Corridor Investment Fund (TCIF) and the Grade Separation Program. Also, with the passage of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy to Users (SAFETEA-LU) and \$125 million Demonstration Project the federal government finally recognized its role in addressing the growing impacts for freight movement on southern California communities. While the region will need to remain vigilant in its efforts to advocate for increased funding for Alameda Corridor East projects, the SAFETEA-LU allocation is only a down-payment and future funds should be delivered to Alameda Corridor East projects. The bottom line is that we should assume that funding will continue to flow for grade separation projects and to be most competitive for those available funds, a prudent strategy would be to develop a new “shelf” of projects that could proceed to construction.

In an effort to fund what is expected to be approximately \$15 million worth of environmental and design work for a 2nd series of five (5) projects staff proposes to use available Measure I Valley Major Projects fund balance to “loan” to this project development effort. The loan would be repaid from Measure I 2010-2040 Arterials funds no later than December 31, 2012 to ensure availability of funds for Interstate 215 Interchange projects at Mt.Vernon/Washington and Barton Road that may proceed earlier than mainline freeway improvements to the I-215 corridor between the Interstate 10 and the 60/91/215 interchange in Riverside.

Should the SANBAG Board approve proceeding with this concept, SANBAG staff will update the hours of delay analysis to determine the next 5 grade separation projects that should proceed to project development. As grade separations are ultimately local street/arterials owned by the host jurisdictions some jurisdictions may choose to manage the project development activities rather than SANBAG acting as lead agency.

Financial Impact: This item has no immediate impact on the SANBAG budget.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Major Projects Committee on March 15, 2007. (*Meeting chaired by Grace Vargas*)

Responsible Staff: Darren Kettle, Director of Freeway Construction

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 18

Date: April 4, 2007

Subject: "Back-stop" Funding for Interstate 215 Segment 3 construction.

Recommendation:* Approve allocating up to \$23,607,000 in Measure I Valley Major Projects funds to "back-stop" any or all Projects of National and Regional Significance (PNRS) federal funding not available at the time Caltrans needs to obligate funding to advertise for bids for I-215 Segment 3 construction. This could result in the temporary use of up to \$23,607,000 as detailed in the Financial Impact Section. TN 83807000

Background: **This is a contingency funding plan.** SANBAG and Caltrans have executed a construction cooperative agreement for I-215 Segment 3 Construction (SANBAG contract C07-130) which specifies the use of several funding sources to cover the estimated construction cost. One of these funding sources is \$23,607,000 from the PNRS program of the Safe Accountable, Flexible and Efficient Transportation Equity Act – A Legacy to Users (SAFETEA-LU). FHWA has recently approved SANBAG's application for the use of these funds on the project; however, only \$14,176,800 was allocated. This reduced allocation occurred since the 2007 Federal Budget had not yet been approved and funding from that budget was not yet available for allocation. This budget has now been approved and staff is working with Caltrans and FHWA to expedite the additional allocation of funds.

A second issue with the PNRS funding is that these funds are not in the currently approved 2006 RTIP. They have been submitted into an amendment which has been submitted and approved by Caltrans and SCAG; however, it has not yet been approved by FHWA. Staff has been informed that FHWA has some questions on the current proposed RTIP amendment (not necessarily on this project) which

Approved
Board of Directors

Date: _____

Moved: Second:

In Favor: Opposed: Abstained:

Witnessed: _____

could possibly delay approval of the entire RTIP amendment. Since FHWA will not approve any funding obligation request unless it is in the approved RTIP, and since the current RTIP amendment has not yet been approved, there is the possibility that when Caltrans would seek obligation of the PNRS funding, they would be denied if the RTIP amendment has not yet been approved.

Since Caltrans is seeking to obligate all the construction funding for I-215 Segment 3 in the immediate future, staff is requesting a "back-stop" funding commitment of Measure I funding to allow Caltrans to go out to bid on schedule with a fully funded project. It is anticipated that the two issues listed above with the PNRS funding will be resolved well before construction starts allowing the full obligation of these funds and therefore eliminate the need to actually utilize the Measure I funding.

Financial Impact: Up to \$23,607,000 of Measure I funding would be committed in the event PNRS funding were not available at the time Caltrans seeks obligation of funding to go out to bid on Segment 3. It is anticipated the PNRS funding will be available before construction starts. In the highly unlikely event PNRS funding is still not available at the time of starting construction, other funding sources would be used first before the Measure I funding to give additional time for these funds to be allocated and approved in the RTIP amendment. If Measure I funds were eventually needed, they could be later reimbursed at an 80% rate whenever the PNRS funding was approved. This is consistent with SANBAG's adopted Fiscal Year 2006/07 budget. TN 83807000

Reviewed By: This item was reviewed and unanimously recommended for approval by the Major Projects Committee on March 15, 2007. (*Meeting chaired by Grace Vargas*)

Responsible Staff: Darren Kettle, Director of Freeway Construction

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 19

Date: April 4, 2007

Subject: Proposed Station at Highgrove on the Metrolink Inland Empire/Orange County Line

- Recommendation:** *
1. Decline participation at this time in the development and operation of a Metrolink Station in the Highgrove area on the Inland Empire/Orange County Line; and
 2. Reconsider the matter based upon the results of the SCAG Feasibility Study.

Background: This item was presented to the Commuter Rail Committee on January 18th. Committee member Garcia requested and received a continuance in order to further study information presented by community representatives. The following information is essentially the same as that provided in January. Additional information is shown in bold italicized type.

Community representatives supporting the development of a Metrolink station in the Highgrove area adjacent to the Burlington Northern Santa Fe (BNSF) San Bernardino Subdivision have appeared before the SANBAG Board and the SANBAG Commuter Rail Committee over the past several months. The Highgrove station supporters have been seeking a joint funding commitment from SANBAG and the Riverside County Transportation Commission (RCTC) to acquire a 35-acre parcel bounded by the BNSF tracks, Citrus Street, Spring Street and Villa Street. Due to the location of the proposed station, approximately 0.5

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Witnessed: _____

miles south of the county line, many feel that a cooperative effort between the two county transportation commissions is needed.

On December 11th SANBAG received a letter from RCTC (Attachment 1) seeking a clear indication of SANBAG's position on a Highgrove station including how such a station might contribute to our passenger rail program and if there would be interest in financially supporting the construction and on-going operations cost should a station be constructed there.

Before getting into the potential merits of a cooperative approach and the proposed location, it is beneficial to understand several issues that need to be considered. Is there currently a sufficient level of commuter trains or the potential to substantially increase the number of trains to warrant another station between San Bernardino and Riverside? Would there be a sufficient number of riders using the existing and/or future level of trains? How would station construction cost and on-going station security and maintenance cost be handled? And perhaps most importantly, is there revenue available in the SANBAG passenger rail program for SANBAG to participate financially for the proposed station?

Existing and Potential for Increased Commuter Train Service between San Bernardino and Riverside.

The only weekday commuter train service operating between San Bernardino and Riverside is the Metrolink Inland Empire/Orange County (IEOC) line. During the weekends limited service is provided with the IEOC and San Bernardino lines. Under the current agreements with BNSF, SCRRA is limited to four round trips a day between San Bernardino and Riverside. During the weekday the existing service is comprised of three trains departing San Bernardino during the a.m. peak period (4:55a, 5:26a and 6:02a), one round trip off-peak (10:50a arrival and 11:25a departure), and three trains arriving in San Bernardino during the p.m. peak (5:45p, 6:29p and 7:10p). From Riverside south into Orange County there are eight round trips (16 trains) per week day. On the weekend two IEOC trains depart San Bernardino (7:30a and 8:55a) and two arrive in the evening (5:20p and 7:00p) and two San Bernardino line trains depart Riverside (6:30a and 1:00p) and arrive in afternoon and evening (3:30p and 9:55p). The level of weekday service operating between San Bernardino and Riverside is by far the lowest level of train service on any Metrolink line. For example, there are thirty-four (34) and twelve (12) daily trains respectively on the San Bernardino and Riverside lines.

Pursuant to the existing operating and capital improvement agreements with BNSF additional train moves between San Bernardino and Riverside can only

occur once the Colton Crossing (railroad to railroad grade separation) and a third track between Highgrove and Rana have been constructed. The preliminary cost estimates for these two projects are \$147 million for the Colton Crossing and \$10 million for the third track project. Even after that extensive capital investment, which today is not funded, SCRRA would be allowed to operate only two more trains between San Bernardino and Riverside.

While RCTC has amended their agreement with BNSF several times over the years to increase the number of trains allowed between San Bernardino and Riverside – principally to accommodate the proposed service on the Perris Valley line, there is a dispute over the interpretation of those amendments. The dispute is the subject of an arbitration matter that is expected to conclude sometime in January 2007.

As expressed in the draft SCRRA 30-Year Strategic Assessment, there is interest on the part of SANBAG, RCTC and the Orange County Transportation Authority (OCTA) to increase the number of trains operating on the IEOC line as well as the Perris Valley line. In fact, SANBAG would certainly like to see all of the IEOC trains begin and end in San Bernardino.

With the limited number of trains currently operating between San Bernardino and Riverside coupled with the significant capital investment required just to add two trains, the uncertainty of the results of the RCTC/BNSF arbitration, and the probability and timeliness of renegotiating existing agreements with BNSF to allow for a substantially higher level of passenger train service, it would appear as though investing in a new station at Highgrove might be premature.

Ridership Estimates for a station at Highgrove

RCTC retained the firm of Wilbur Smith and Associates, the same firm used by SCRRA for estimating ridership for the draft SCRRA 30-Year Strategic Assessment, to develop an estimate of ridership at a proposed Highgrove station. The forecast of morning peak train boarding at a Highgrove station is compared with other station activity for Metrolink lines serving San Bernardino County in the table below. The forecasted volume of morning boardings at the proposed Highgrove station is pretty low compared to other Metrolink stations located in San Bernardino and Riverside Counties.

Comparison of Metrolink Station A.M. Boardings

Station	A.M. Total Boardings¹	Peak Trains
Highgrove – IEOC Line	117	3
San Bernardino – IEOC Line	115	8
San Bernardino – SB/LA Line	412	8
Rialto – SB/LA Line	304	8
Fontana – SB/LA Line	357	8
Rancho Cucamonga – SB/LA Line	850	8
Upland – SB/LA Line	480	8
Montclair – SB/LA Line	423	8
East Ontario – RIV/LA Line	351	4

¹IEOC forecast from Wilbur Smith, all other station information from SCRRA Oct. 2006

The forecast of total daily ridership at the proposed Highgrove station would start at 234 today and could increase from 335 in 2010 with 20 trains operating to 462 (231 individuals) in 2030 with 40 trains operating. But even these forecasts are relatively low when compared to other stations on the San Bernardino and Riverside lines that will also benefit increases in train service over the next twenty years.

As noted above, due to the proximity of the proposed Highgrove station to the San Bernardino/Riverside County Line, it is reasonable to expect that a large percentage of the daily boardings at that station would come from the cities of Colton, Grand Terrace, Loma Linda and Redlands. In fact Wilbur Smith estimates that 72% of the ridership (84) would come from San Bernardino County. As the commuter train volumes increase over time, the county splits become closer to 60% San Bernardino and 40% Riverside. Thus it is understandable that RCTC would like to see a financial contribution from SANBAG should a station in Highgrove be built.

Even considering the higher ridership in 2030 of 462 daily passengers, the volume is not considered large enough to warrant consideration, especially when the forecast of 2030 daily passengers at other San Bernardino County stations will range from 1,380 to more than 5,000.

Station Construction and Operating Cost

Within the Metrolink system, the responsibility of the construction and operation of stations has differed among the five county agencies. For San Bernardino County stations, SANBAG agreed to pay for the basic station construction cost and the first two years of security and maintenance. Beyond that two-year period, the city in which the station is located picks up the responsibility for providing security and maintenance. Whereas in Riverside County, RCTC is responsible for funding the station construction as well as the on-going station security and maintenance cost.

Because RCTC assumes full responsibility of station construction, security and maintenance, they have periodically reviewed the feasibility of constructing a station in the Highgrove area. In the mid-1990's the Highgrove area was being considered for a combined station and train layover facility. But due to operational difficulties and a low forecast of ridership, a decision was made to construct the train layover facility near the Riverside Downtown station. In 1999, RCTC conducted a Tier II Station Survey to assist them in determining the phasing of additional stations. Two stations were selected for further consideration through that process: Main Street, Corona and Van Buren. RCTC suspended development of the Van Buren site when an additional 21 acres became available for expanding the La Sierra station. The North Main Street station in Corona opened in 2002.

The subject of the placement of a station between San Bernardino and Riverside was broached as part of RCTC's consideration of passenger rail service on the Perris Valley line in 2003. At that time, the following three possible locations were considered: one was located on the north side of Main Street in the city of Grand Terrace, a second was located on the south side of Main Street in the unincorporated portion of Riverside County, and the third was the proposed Highgrove site in the city of Riverside. An Ad Hoc Committee formed by RCTC for the Perris Valley line preferred the location in Grand Terrace. The city of Grand Terrace preferred either of the two near Main Street. However, more recently the City has expressed concern over its ability to finance the on-going security and maintenance cost should the proposed station be constructed in their city.

RCTC estimates that the construction cost for a station at Highgrove would be somewhere between \$15 and \$20 million. The construction cost estimates are higher than those typically experienced in San Bernardino County because the station would be required to have platforms constructed on the outside of the main

tracks and those platforms would be connected by a pedestrian over-crossing with elevators on both platforms. In addition to the construction cost, the annual cost of providing security and maintenance at the new station is estimated to be somewhere between \$200,000 and \$250,000.

Assuming that SANBAG's share would be 67% (the average between today and 2030 county of origin), of the construction and annual operating cost, between \$10.05 and \$13.40 million would be needed for station construction cost and between \$134,000 and \$167,500 annually would be needed for station security and maintenance.

The sharing of station construction and on-going station operations cost has not been contemplated in the past. And, while a sound argument could be made that the sharing might be considered in this case, an agreement to do so could open the flood gates for jointly sharing in station construction and operations cost at other locations and with other county agencies.

On January 10th the RCTC Board of Directors voted 24 in favor, 1 opposed, and 1 abstention to decline development of a Metrolink Station in the Highgrove area on the BNSF San Bernardino Subdivision.

Should the SANBAG Board approve a financial participation in the construction and maintenance of a station in the Highgrove area, staff would recommend that such participation be on terms consistent with all other stations constructed in San Bernardino County, i.e., assist in the cost of constructing a basic station and limit the cost of operating to the first two years.

Availability of funds in the SANBAG Passenger Rail Program for a Highgrove Station

As the SANBAG Commuter Rail Committee and Board are fully aware, the initiation of commuter rail service early in the current Measure I Program was accomplished through a combination of using bond proceeds and borrowing from revenue from the Major Projects category. The repayment to the Major Projects category will continue to require that the full portion of commuter rail revenue received each year into FY 2009/2010 will be used for that purpose.

The new Measure I Program (2010 -2040) will begin generating revenue in the 4th quarter of FY 2009/2010. The Expenditure Plan for the extension identified two major projects for which the new Measure I Rail Funds would be used – the extension of the Metro Gold Line to Montclair and the initiation of passenger rail

service between San Bernardino and Redlands. A portion of the new revenue would also be used to support on-going operating subsidies for those two systems.

In 2006 dollars, a total of \$483.6 million in Passenger Rail Funds would be generated over the 30-year period. Of that amount, the Expenditure Plan identifies \$122.5 million for the Redlands and Gold Line capital projects and approximately \$2.1 million per year, or \$73.5 million through 2040, will be needed for operating assistance. In order to advance the Redlands and Gold Line projects on the proposed schedules, starting in Fiscal Year 2011, debt financing will be required. The debt service is expected to add \$10.4 million in cost. Thus about 43% of the Passenger Rail Funds will be committed to the Redlands and Gold Line projects. The remaining balance will be required to support the capital projects contained in the draft SCRRA 30-Year Strategic Assessment that are needed in order to expand train service on the three lines serving San Bernardino County.

The only way SANBAG could contribute to the capital and operating cost of a new station in Highgrove would be through increasing the debt financing and/or delaying the implementation of either the Redlands or Gold Line services. The Redlands and Gold Line services are expected to generate 11,400 and 2,300 passengers per day respectively – substantially more than the projected daily ridership for the Highgrove station (462 in 2030).

As noted above, should the SANBAG Board approve a financial contribution, it should be limited to only the first two years of operating expenses. Should RCTC seek an on-going financial commitment beyond the first two years, staff would recommend that those cities benefiting from the proximity of a station in the Highgrove area be responsible for any costs beyond the first two years. Under the extension of Measure I, "Local Street Project funds can be used flexibly for any eligible transportation purpose determined to be a local priority, including local streets, major highways, state highway improvements, transit and other improvements/programs to maximize use of transportation facilities".

Conclusion and Recommendation

SANBAG has and will continue to be a regional player with its Metrolink neighboring county agencies. We supported the demonstration of Saturday service on the Riverside line and are supportive of the recent beginning of weekend service on the IEOC line. The major obstacle to growing train service on both the Riverside and IEOC lines is the existing limitation of train movements in the agreements with Union Pacific and BNSF. SANBAG is certainly

supportive of opening negotiations with both railroads and the other Metrolink member agencies in order to gain more train service.

But with respect to financially participating in the construction and operation of a proposed Highgrove station *along with the position the RCTC Board has taken*, staff would have to recommend against it because: 1) the forecast of ridership does not warrant it; 2) our ability to increase the number of trains operating between San Bernardino and Riverside is totally dependent on a re-negotiation with BNSF; 3) there is no identifiable funding immediately available for this project and either debt financing and/or a postponement of the Redlands and Gold Line projects would need to be considered should a decision be made to participate; and 4) defining the Highgrove station as a regional station requiring multiple county agency participation could open the door for similar definitions elsewhere in the Metrolink system, such as the East Ontario and Industry stations on the Riverside line.

On March 13 SANBAG received a letter from the Southern California Association of Governments, dated March 8 (Attachment 2), requesting that SANBAG take no formal action on the proposed Highgrove station until they have completed a feasibility study of the project. The feasibility study is expected to take six months to a year to complete.

Financial Impact: The financial participation of SANBAG in a proposed Highgrove station has not been contemplated in the current year budget or in the Expenditure Plan for the extension of Measure I. Should a decision be made to financially participate in a proposed Highgrove station, *such participation should be consistent with that taken with other Metrolink station cities*, and the issue of debt financing and/or delaying the Redlands and/or Gold Line projects, or reducing the funding for future SCRRA capital improvements necessary to expand service on the other Metrolink lines serving San Bernardino County would need to be considered.

Reviewed By: This item was reviewed by the Commuter Rail Committee on March 22, 2007 and unanimously recommended for approval. *(Meeting chaired by Patricia Gilbreath)*

Responsible Staff: Michael Bair, Director of Transit and Rail Programs

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 20

Date: April 4, 2007

Subject: Surplus of Miscellaneous Parcels Acquired as Part of the Redlands Subdivision Purchase of March 1993

Recommendation:* Direct staff to begin the process of disposal of miscellaneous parcels of Redlands Subdivision in accordance with California Government Code Sections 25363 and 25526.

Background: This item was presented to the Commuter Rail Committee on January 18th. Committee Member Morris requested and received a continuance in order to consult with his City staff on the parcels being identified for surplus.

In March 1993 the San Bernardino Associated Governments (SANBAG) purchased from Burlington Northern Santa Fe Railway (formerly Atchison, Topeka and Santa Fe Railway) the Redlands Subdivision that begins in front of the San Bernardino Santa Fe Depot and runs through the City of Redlands terminating in the vicinity of the southern boundary of the Santa Ana River in the vicinity of Nice Avenue in Mentone. SANBAG sold to the Metropolitan Water District that portion of the Redlands Subdivision from the Santa Ana River to Nice Avenue in Mentone in 1999.

As part of the Redlands purchase, SANBAG also acquired a smattering of non-contiguous parcels in the north/northeast area of the City of San Bernardino

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Approved
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Date: _____

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In Favor:

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and northwest area of the City of Highland. In 1999 SANBAG also sold one of the parcels to the Victoria Development Company. Attachment A is an overview map of the parcels being considered. Attachment B is the individual Assessor Parcel Maps.

There will be a number of items that will need to be accomplished prior to our returning to this Committee and the Board before ordering the sale of these parcels; namely, a Preliminary Title Report to insure there are no clouds on the title and appraisals on the various parcels.

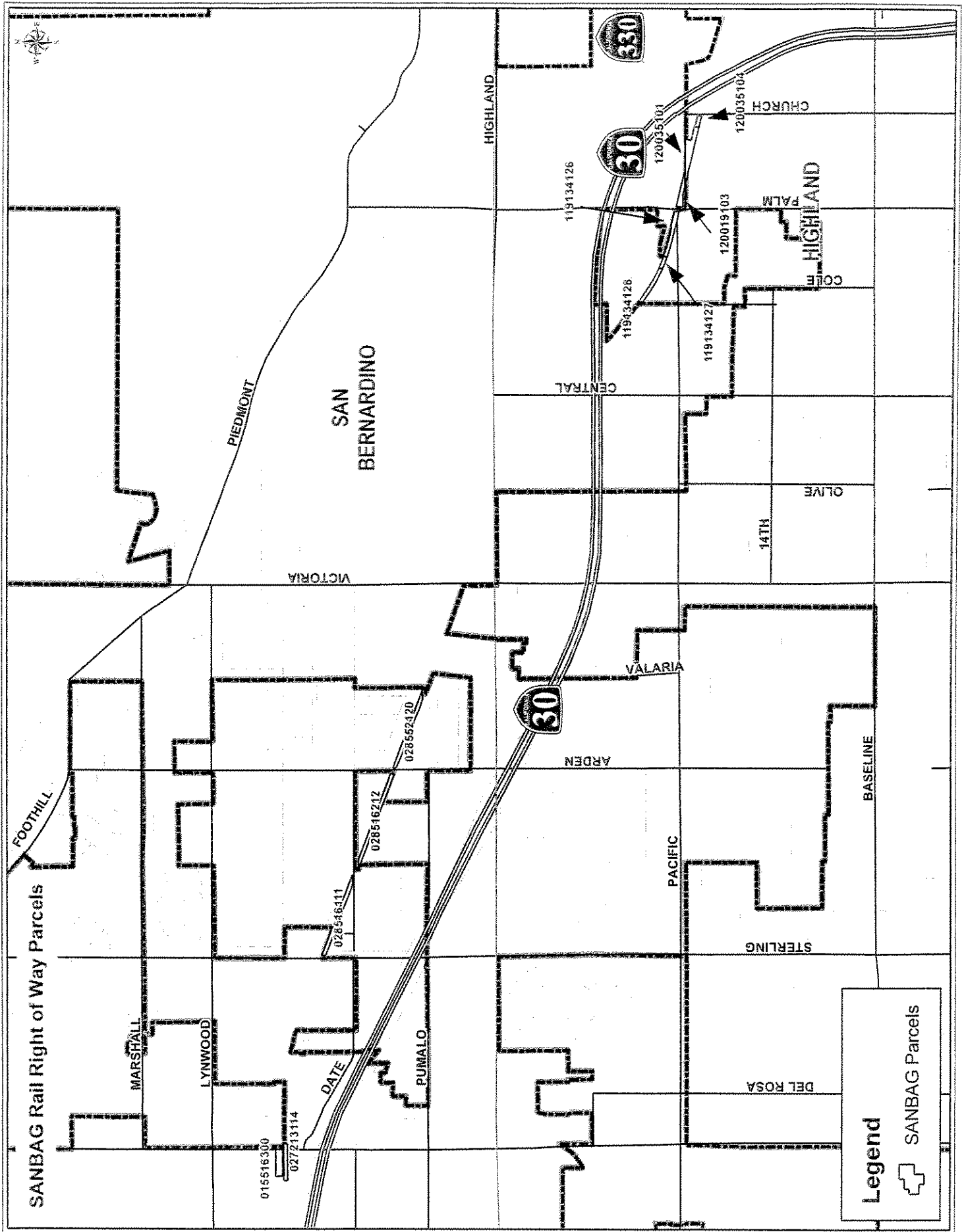
Staff will enlist the assistance of both our Property Management team at the Los Angeles County Metropolitan Transportation Authority (MTA) and San Bernardino County Real Estate Services.

Typically, proceeds from sale of any rail property is retained in the Rail Capital Assets fund and used to augment funds for capital projects identified in the Commuter Rail Short Range Transit Plan.

Financial Impact: The full financial impact of this item is not known at this time pending appraisals of the properties; however the work element of this item is consistent with the adopted General Commuter Rail Task 35207000.

Reviewed By: This item was reviewed by the Commuter Rail Committee on March 22, 2007 and unanimously recommended for approval. *(Meeting chaired by Patricia Gilbreath)*

Responsible Staff: Victoria Baker, Senior Transit Analyst



5

Assessor's Map
Book 155 Page 16
San Bernardino County

$$\begin{array}{r} 60 \\ 272 \end{array}$$

Del Rosa Townsite, M.B. 12/42

Note - Assessor's Blk. & Lot
Numbers Shown in Circles

45

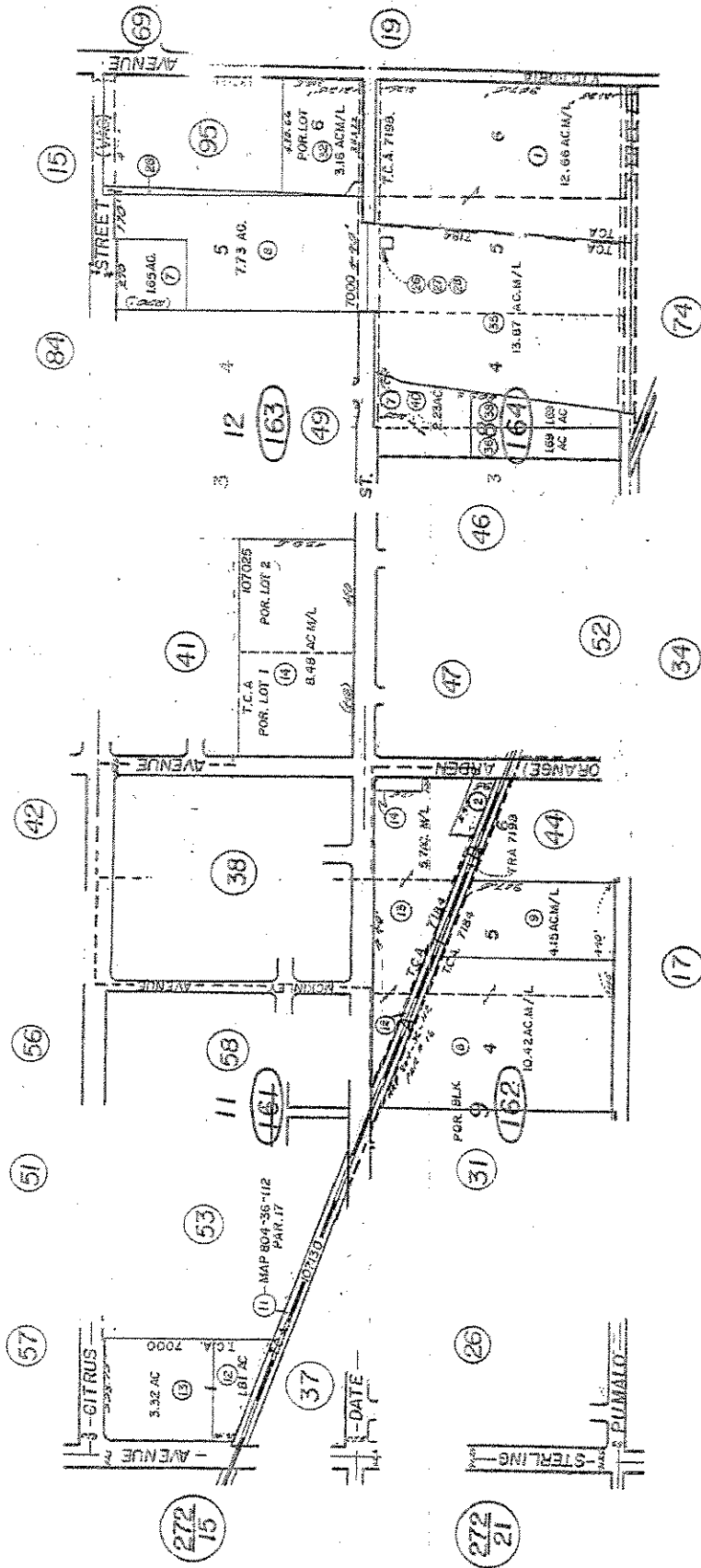
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Feb. 1952

Por. West Highlands
M.B.5/77

San Bernardino City
San Bernardino Unified
Tax. Ref. Area
7000, 7184, 7198
107025, 107130

285-16



60
REVISED
6-11-85 Jha
6/18/91 H

Assessor's Map
Book 285 Page 16
San Bernardino County

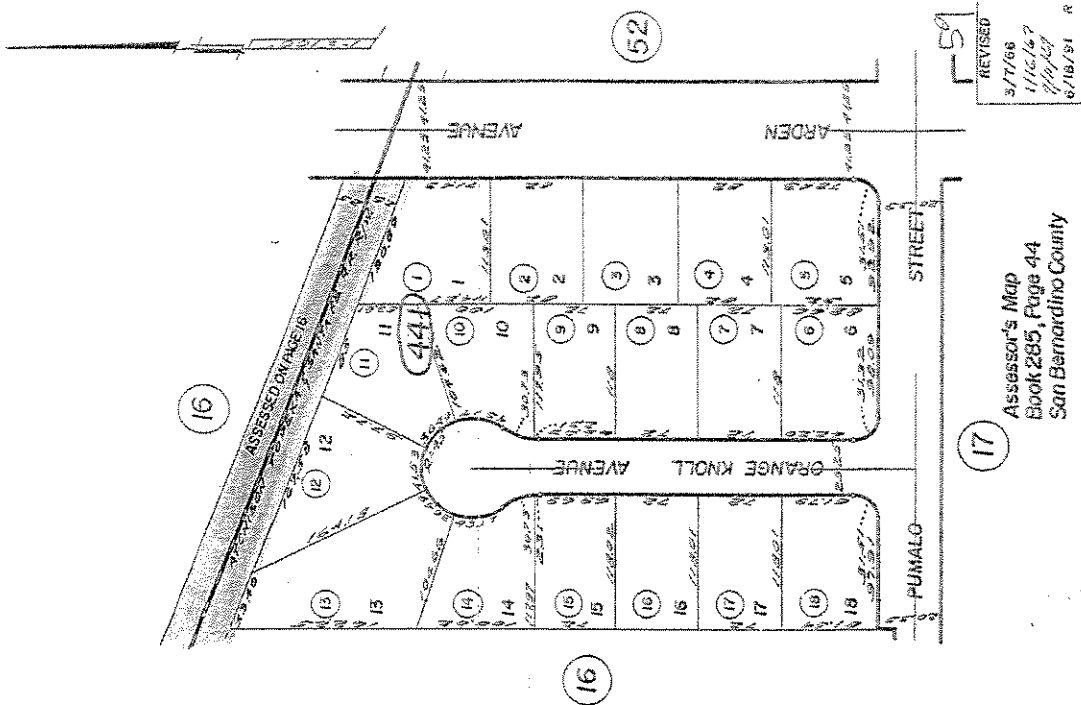
208 JUN 1952



Tract No. 6411, M.B. 83/1,2

San Bernardino Unified
Tax Rate Area
107137

285 - 44



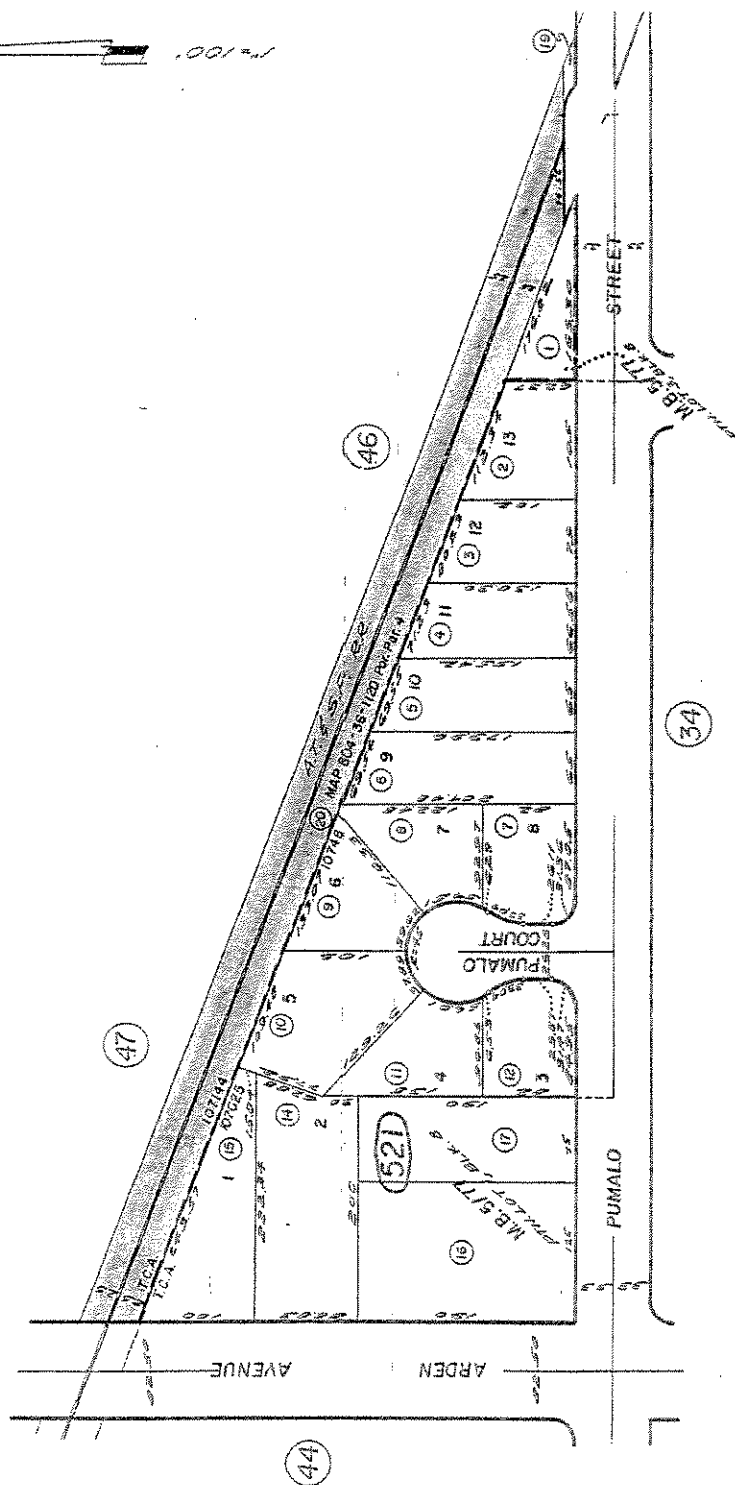
Apr 1982 4.5



Ptn. West Highlands, M.B. 5/77

San Bernardino Unified
Tax Rate Area
107025, 107144

285 -- 52



58
REVISED
3/13/89
7-8-86
6/13/81
Assessor's Map
Book 285, Page 52
San Bernardino County

Tract No. 6982, M.B. 88/89, 90

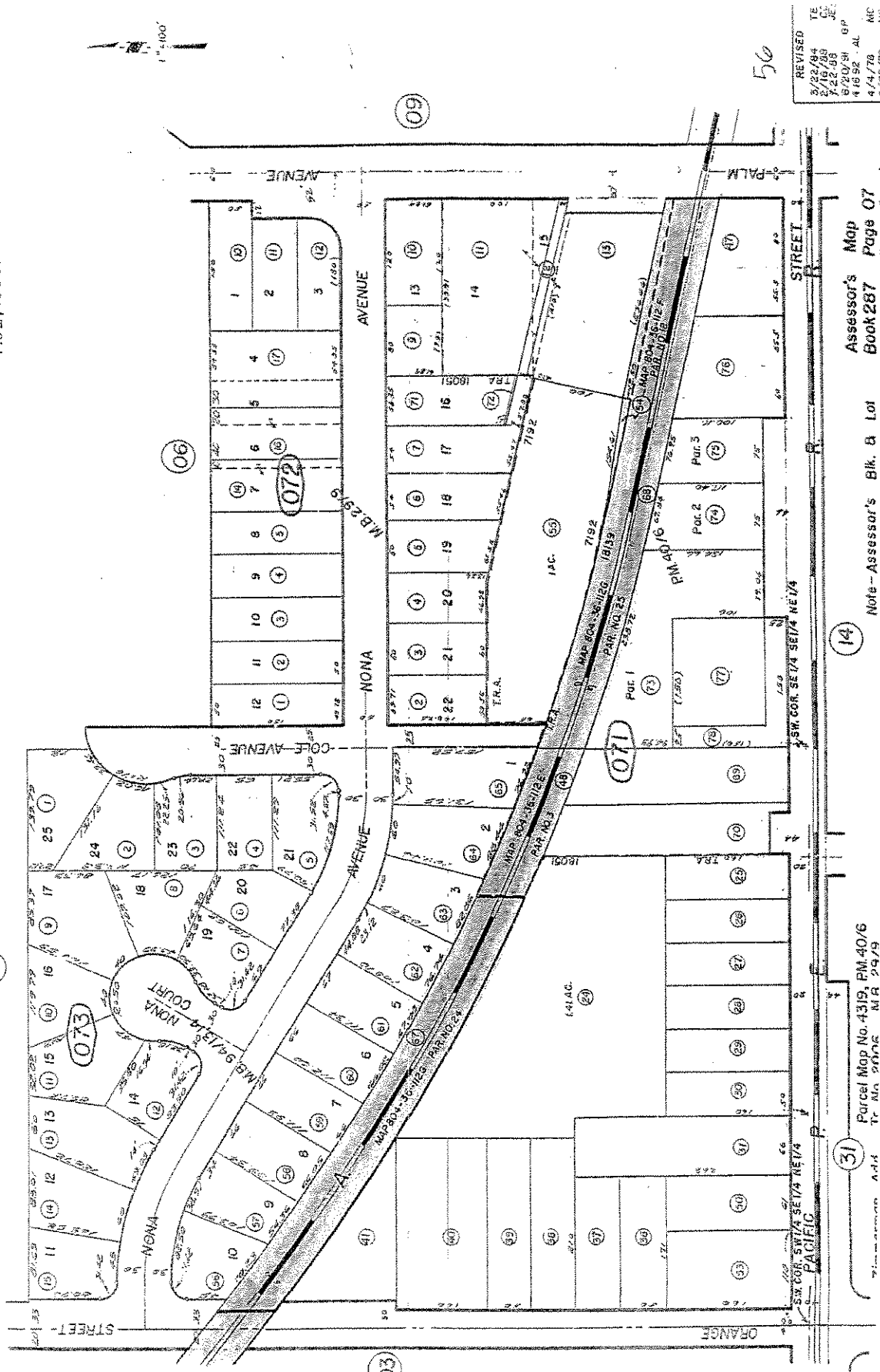
Oct. 1963

THIS MAP IS FOR THE PURPOSE
OF AD VALOREM TAXATION ONLY
NOT TO SURVEYOR'S SCALE.

Por. N.E. 1/4 Sec. 32 T. 1 N. R. 3 W. S.B.B. & M.

City of Highland
Tax Rate Area
7192, 18051

287-07



REVISED
3/22/84
2/18/83
7/22/83
6/20/83
4/18/82
4/4/78
TE
JC
GP
AL
MC
L

Assessor's Map
Book 287 Page 07

Note - Assessor's Blk. & Lot

Parcel Map No. 4319, PM 40/6
Tr. Ma. 26/85 N.R. 29/79

31

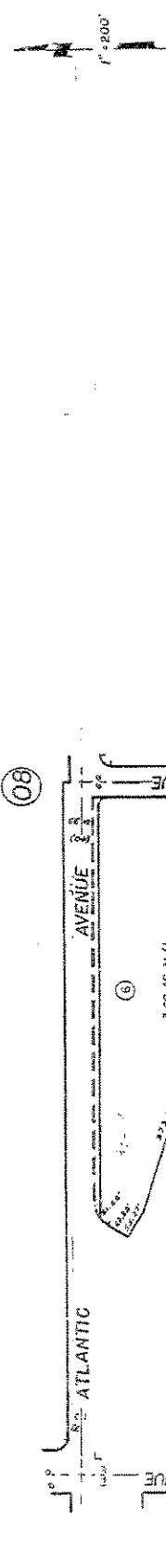
Orange Street

Pacific Street

14

07

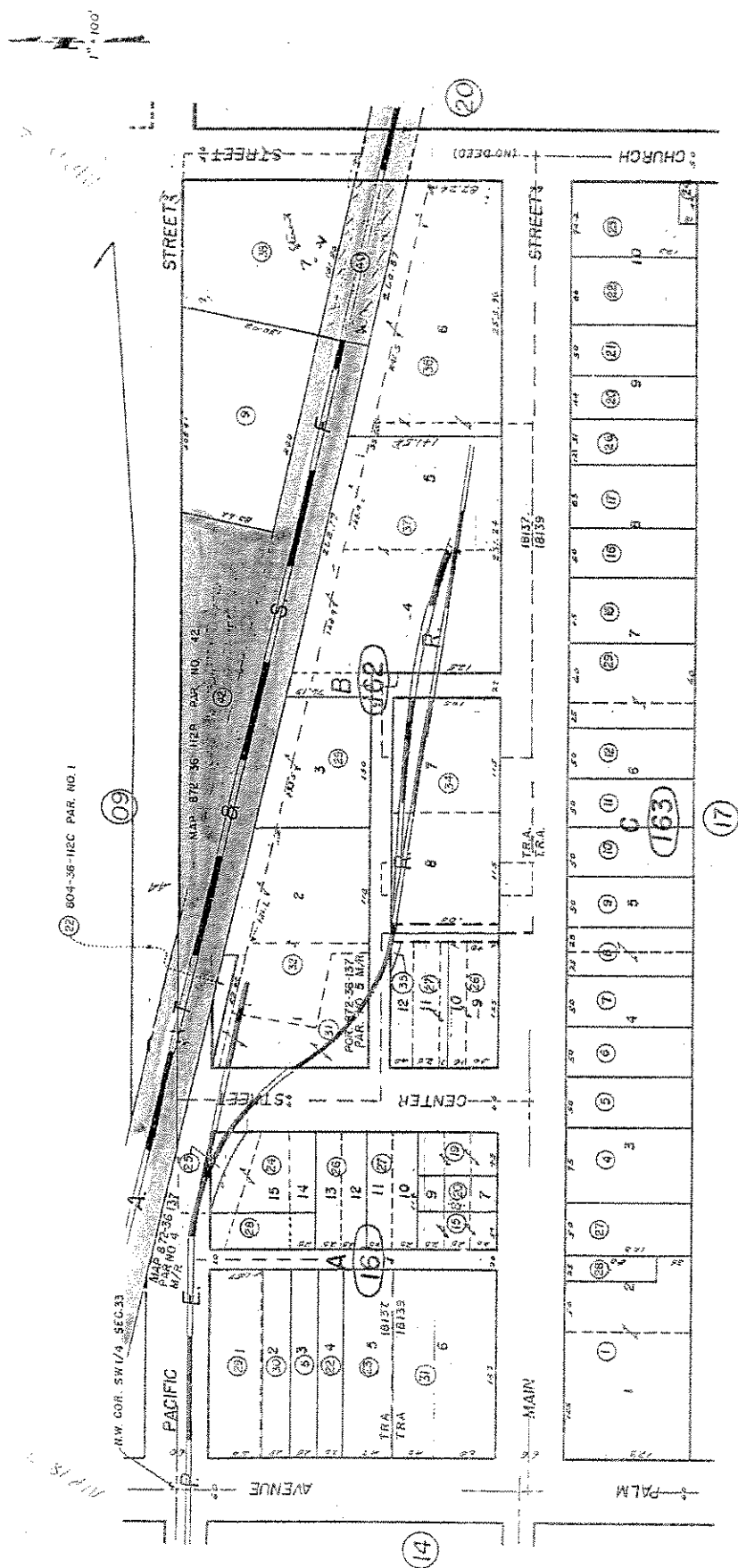
56



REVISED	GP
6/20/91	GP
5/23/76	GP
4/23/77	GP
3/20/78	GP
2/20/79	GP

Assessor's Map
Book 287 Page 09
San Bernardino County

Note- Assessor's Blk. & Lot
Numbers Shown in Circles



Note - Assessor's Blk. & Lot Numbers Shown in Circles

REVISED RR
10/26/92 RR
4/2/93 SS
2/25/78 RR
12/5/77 MD
3/6/81 TS
8/7/90 PE
4/6/92 AL

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 21

Date: April 4, 2007

Subject: Report on the NASCAR Auto Club 500 Chartered Train Service

Recommendation:* Receive Information.

Background: The SANBAG Board of Directors, in December 1996, approved a Cooperative Agreement with the California Speedway to provide chartered train service to the Speedway for the larger NASCAR events. The service provided on February 25th marked SANBAG's tenth (10th) year of chartered train service. Over the ten years we have transported approximately 170,000 passengers to 21 races.

On Sunday, February 25, 2007, SANBAG provided chartered train service to the NASCAR Auto Club 500 at the California Speedway. Because there is regular Metrolink service on the following Monday there is limited number of Metrolink crews available to run these chartered trains. For the February race three (3) trains were provided as follows: an eight (8) car train that originated from Oxnard making all stops on the Ventura Line and all stop on the San Bernardino Line from El Monte to the speedway; a six (6) car train on the Antelope Valley Line with a stop at Los Angeles Union Station; and a ten (10) car train from Oceanside with stops on the Inland Empire/Orange County Line. These trains arrived at the Speedway between 9:15 a.m. and 10:25 a.m.; the race began at approximately 12:45 p.m. and was completed at 4:40 p.m. Trains are held for one hour after the completion of the race to ensure all passengers had boarded the trains' home. Our operations went very smoothly and all trains and passengers were on their way home by 5:50 p.m.

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Approved
Board of Directors

Date: _____

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In Favor:

Opposed:

Abstained:

Witnessed: _____

The charter train tickets are sold by the California Speedway in advance of the event, as provided in the 1st Amendment to the Cooperative Agreement. The last train ticket sales report received from the Speedway indicated 2,803 tickets sold, this is an increase of 553 tickets sold over the prior February event. The estimated ticket revenue is \$53,060 while the estimated cost of the service is \$55,000. The estimated overrun of costs will come from ticket sales fund balance.

For logistic purposes no regular Sunday service trains stopped at the Speedway. However, certain Friday and Saturday regular service trains did stop at the Speedway and about 100 passengers used the service on Friday and Saturday.

Financial Impact: This item is consistent with the FY 2006/2007 budget under Task 37807000 Speedway Rail Operating Expense.

Reviewed By: This item was unanimously received by the Commuter Rail Committee on March 22, 2007. (*Meeting chaired by Patricia Gilbreath*)

Responsible Staff: Victoria Baker, Senior Transit Analyst

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 22

Date: April 4, 2007

Subject: Approve Second Option of Contract 04-001 with Schiermeyer Consulting Services

Recommendation:* Approve the second extension option of Contract 04-001 with Schiermeyer Consulting Services for passenger rail planning services in the amount of \$201,756.20 as specified in the Financial Impact Section.

Background: On April 3, 2003, the Board approved Contract 04-001 with Schiermeyer Consulting Services (SCS) for passenger rail planning services during Fiscal Years 2003/2004 and 2004/2005 in the amount of \$183, 650. Contract 04-001 contains two (2) two-year options. The Board approved the first two-year option in February 2, 2005, and increased the contract authority by \$190,295 for a new total of \$373,945. The first two-year extension will, unless extended, terminate on June 30, 2007.

Staff is recommending the approval of the second two-year option (attached as Contract 04-001-2) covering Fiscal Years 2007/2008 and 2008/2009. This option provides a 3.5% increase in the hourly rate for the first year and a 3% increase in the second year as well as a modest increase in the amount paid to the firm for direct expenses.

SCS has provided passenger rail planning services to the agency since 1989. Over that period, SCS has provided advice in the areas of commuter rail operations, marketing and capital planning, intercity passenger rail services,

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Board of Directors

Date: _____

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Second:

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proposals for high-speed passenger rail service through the Inland Empire and special charter trains for the two major NASCAR race events at the California Speedway.

Listed below is a summary of the support activities SCS has provided this past year.

1. SCS has provided support to the agency in its participation with the Southern California Regional Rail Authority (SCRRA). The support includes attending and participating in the SCRRA Technical Advisory Committee composed of the staff from each of the five member agencies and attending monthly SCRRA Board Policy Committee meetings and monthly SCRRA Board briefings and meetings. SCS often represents the agency's interest when staff is not available. SCS also supports the agency's Commuter Rail Committee and provides the monthly Commuter Rail Report that appears in the agency's Board agenda.
2. SCS is frequently consulted with on issues related to the national and state-supported intercity passenger rail service operated by Amtrak. SCS is considered one of a few consulting firms with extension knowledge of intercity passenger rail issues.
3. SCS has assisted in the development of special charter train schedules and operations for the two major NASCAR racing events held at the California Speedway and coordinates the marketing and train ticket sales with the Speedway.
4. SCS has assisted in the preparation of the San Bernardino County Passenger Rail Fiscal Year 2008 – 2012 Short Range Transit Plan (SRTP). The SRTP provides a forecast of passenger rail services and capital improvements over the next five years.

The proposed contract extension provides for a continuation of the above professional services for the next two years, Fiscal Years 2007/2008 and 2008/2009. Compensation for the first extension year will not exceed \$96,651.80 in personnel expenses and \$2,745 in direct expenses for a total compensation of \$99,396.80. Compensation for the second extension year will not exceed \$99,534.40 in personnel expenses and \$2,825 in direct expenses for a total compensation of \$102,235.40. The exercise of the second option will increase the

total authority for Contract 04-001 by \$201,756.20 to a new not to exceed total of \$575,701.20.

Financial Impact: Funding in the amount of \$99,396.80 for the first year of this contract extension is included in the proposed Fiscal Year 2007/2008 budget under Task 35208000 – General Commuter Rail. The funding source is LTF – Planning. Funding for the second year of the contract extension will be contingent upon funding approved as part of the Fiscal Year 2008/2009 budget.

Reviewed By: This item was reviewed by the Commuter Rail Committee on March 22, 2007 and unanimously recommended for approval. *(Meeting chaired by Patricia Gilbreath)*

Responsible Staff: Michael Bair, Director of Transit and Rail Programs

SANBAG Contract No. 04-001-2

by and between

San Bernardino Associated Governments

and



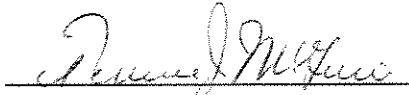
Schiermeyer Consulting Services

for

provision of professional services related to passenger rail service

FOR ACCOUNTING PURPOSES ONLY			
<input checked="" type="checkbox"/> Payable	Vendor Contract # _____	Retention: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Original <input checked="" type="checkbox"/> Amendment
<input type="checkbox"/> Receivable			
Notes:			
Original Contract: \$ <u>183,650.00</u>		Previous Amendments Total: \$ <u>190,295.00</u>	
Contingency Amount: \$ _____		Current Amendment: \$ <u>201,756.20</u>	
Contingency Amount requires specific authorization by Task Manager prior to release.			
Contract TOTAL →			\$ <u>575,701.20</u>
Please include funding allocation for the original contract or the amendment ↴			
<u>Task</u>	<u>Cost Code</u>	<u>Funding Sources</u>	<u>Amounts</u>
1 <u>35208000</u>	<u>5553</u>	1 <u>LTF - Planning</u>	\$ <u>99,396.80</u>
2 <u>35209000</u>	<u>5553</u>	2 <u>LTF - Planning</u>	\$ <u>102,359.40</u>
3 _____	_____	3 _____	\$ _____

Original Board Approved Contract Date: <u>4/02/03</u>		Contract Start: <u>7/1/03</u>	Contract End: <u>6/30/05</u>
New Amend. Approval (Board) Date: <u>4/04/07</u>		Amend. Start: <u>7/01/07</u>	Amend. End: <u>6/30/09</u>
If this is a multi-year contract/amendment, please allocate costs among fiscal years:			
Fiscal Year: <u>2008</u> \$ <u>99,396.80</u>	Fiscal Year: <u>2009</u> \$ <u>102,359.40</u>	Fiscal Year: _____ \$ _____	
Is this consistent with the adopted budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, has the budget amendment been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No			
CONTRACT MANAGEMENT			
Please mark an "X" next to all that apply:			
<input type="checkbox"/> Intergovernmental	<input checked="" type="checkbox"/> Private	<input checked="" type="checkbox"/> Non-Local	<input type="checkbox"/> Local <input type="checkbox"/> Partly Local
Disadvantaged Business Enterprise: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes _____%			
Task Manager: Michael Bair		Contract Manager: Michael Bair	

 Task Manager Signature	3-13-07 Date	 Contract Manager Signature	3-13-07 Date
 Chief Financial Officer Signature	3/13/07 Date		

CONTRACT NO. 04-001-2

SAN BERNARDINO ASSOCIATED GOVERNMENTS

and

SCHIERMEYER CONSULTING SERVICES

THIS CONTRACT AMENDMENT is entered into this 4th day of April, 2007 in the State of California by and between the San Bernardino Associated Governments, hereafter called "AGENCY", and Schiermeyer Consulting Services (SCS), hereafter called "CONTRACTOR".

IT IS HEREBY AGREED AS FOLLOWS:

WHEREAS, the AGENCY requires certain professional services relating to its urban passenger rail, commuter rail, and intercity passenger rail planning efforts; and

WHEREAS, CONTRACTOR has skills, knowledge, and the ability to provide such services to the AGENCY; and

WHEREAS, the original Contract 04-001 contains two provisions to extend the Contract for an additional two (2) years each; and

WHEREAS, on February 2, 2005, the AGENCY Board approved exercising the first two-year extension; and

WHEREAS, both parties to the Contract desire to execute such an extension;

NOW THEREFORE, the parties agree to the following terms and conditions:

1. CONTRACTOR SERVICES

The CONTRACTOR will be responsible for supporting SANBAG's urban passenger rail, commuter rail, and intercity passenger rail planning efforts. The CONTRACTOR will also be responsible for the following activities:

- A. Providing assistance in evaluating commuter rail operating and capital subsidy calculations as they relate to AGENCY.
- B. Providing assistance in developing recommended priorities for commuter rail operating (including ridership and revenue estimates) and capital projects.
- C. Providing assistance in developing urban passenger rail and commuter rail capital project applications.

- D. Providing assistance in the preparation of the Redlands Passenger Rail Extension alternatives analysis and environmental document.
- E. Provide assistance in the feasibility study of extending the Metro Gold Line to the Ontario International Airport.
- F. Providing assistance in reviewing the State of California and Amtrak planning of intercity passenger rail services.
- G. Providing technical support to the SANBAG Commuter Rail Committee.
- H. Representing the interest of AGENCY in the absence of AGENCY personnel in commuter rail and intercity passenger rail technical and planning meetings.
- I. Providing technical support as identified by AGENCY in the areas of urban passenger rail, commuter rail, intercity passenger rail, and special charter trains (such as the California Speedway trains).

2. **TERM**

This CONTRACT AMENDMENT will commence on July 1, 2007 and remain in effect until June 30, 2009 (Fiscal Years 2007-2008 and 2008-2009). AGENCY or CONTRACTOR may terminate this CONTRACT at any time by serving thirty (30) days written notice to this effect on the other party. Additionally, in the event of misconduct or failure to perform required services, AGENCY may immediately terminate this CONTRACT by written notice to CONTRACTOR. CONTRACTOR shall not be reimbursed for any services or expenses beyond the termination date of the CONTRACT and SANBAG shall incur no penalty for exercising its termination rights. The Executive Director shall have the authority in his sole discretion to give notice of termination on behalf of the AGENCY.

3. **COMPENSATION**

As compensation for the above services during Fiscal Year 2007-2008, AGENCY shall pay CONTRACTOR an amount not to exceed \$99,396.80 of which no more than \$96,651.80 and \$2,745.00 shall be for personnel and direct expenses respectively. Compensation for Fiscal Year 2008-2009 shall not exceed \$102,359.40 (\$99,534.40 and \$2,825.00 respectively for personnel and direct expenses). The total CONTRACT value for the two fiscal years (2007-2008 and 2008-2009) shall not exceed \$201,756.20. This second amendment increases the total CONTRACT value to \$575,701.20.

- A. CONTRACTOR shall account for time spent and invoice AGENCY on a monthly basis. Monthly invoices shall contain both expenditures incurred during the month as well as year to date total by cost category (salaries and itemized direct charges). Each monthly invoice shall be accompanied by a narrative description of work performed.

- B. CONTRACTOR shall be paid at the personnel hourly rates (which include overhead rates) indicated in Exhibit A and shall not exceed \$96,651.80 during Fiscal Year 2007-2008 and \$99,534.40 during Fiscal Year 2008-2009.
- C. CONTRACTOR shall receive reimbursement in an amount not to exceed \$2,745.00 during Fiscal Year 2007-2008 and \$2,825.00 during Fiscal Year 2008-2009 for direct expenses including travel reimbursement and telephone expenses.

4. **INSURANCE**

CONTRACTOR shall maintain during the term of this CONTRACT the following insurance coverages:

- A. Comprehensive General Liability Insurance or Commercial General Liability Insurance, including coverage for Premises, Contractual Liability, Personal Injury Liability, Broad-From Property Damage and Independent Contractor's Liability, in an amount of not less than \$1,000,000 per occurrence, combined single limit, and \$2,000,000 aggregate written on occurrence form.
- B. Comprehensive Automobile Liability Coverage, including owned, non-owned and hired automobiles, in an amount of not less than \$1,000,000 per occurrence, combined single limit, and in an aggregate written on an occurrence form.
- C. CONTRACTOR (not including subconsultants) shall immediately furnish certificates of insurance to AGENCY evidencing the insurance coverage above required, which certificate shall name AGENCY as additionally insured on all policies of liability insurance. The certificates shall provide that such insurance shall not be terminated without thirty (30) days written notice to AGENCY, and CONTRACTOR shall maintain such insurance from the time this CONTRACT is executed until the completion of such services.
- D. CONTRACTOR shall maintain Worker's Compensation Insurance with limits established and required by the State of California.

5. **INDEMNITY**

CONTRACTOR agrees to defend, indemnify and hold harmless the AGENCY, its officers, agents and employees from any claims, suits, liabilities, penalties, fines or damages resulting from any acts or omissions of CONTRACTOR arising from or which are alleged to arise from its performance of this CONTRACT.

6. **INDEPENDENT CONTRACTOR**

CONTRACTOR is and shall be at all times an independent CONTRACTOR. Accordingly, all services provided by CONTRACTOR shall be done and performed by CONTRACTOR under the sole supervision, direction, and control of CONTRACTOR. AGENCY shall rely on CONTRACTOR for results only and shall have not right at any time to direct or supervise CONTRACTOR or CONTRACTOR's employees in the performance of services or as to the manner, means and methods by which services are performed. All workers furnished by CONTRACTOR pursuant to this CONTRACT, and all representatives of CONTRACTOR shall be and remain employees of CONTRACTOR or of CONTRACTOR's subconsultant(s) at all times, and shall not at any time or for any purpose whatsoever be considered employees or agents of AGENCY.

7. **AGENCY AUTHORITY**

AGENCY's Executive Director shall have full authority to exercise AGENCY's rights under this CONTRACT. CONTRACTOR's reporting relationship shall be with the AGENCY's Director of Transit and Rail Programs, unless otherwise directed by AGENCY's Executive Director.

IN WITNESS THEREOF, the authorized parties have signed below.

**SAN BERNARDINO
ASSOCIATED GOVERNMENTS**

**SCHIERMEYER CONSULTING
SERVICES**

Dennis Hansberger
President

Carl Schiermeyer
President

Approved as to From:

Jean-Rene Basle
SANBAG Counsel

Date: _____

Exhibit A

Amendment No. 2 to Contract 04-001

Schiermeyer Consulting Services Contract

Fiscal Year 2007/2008

Hourly Rates (including overhead and profit) and Proposed Hours:

Carl Schiermeyer, Principal	\$110.60/Hr.	860 Hrs.
Associate	\$ 63.95/Hr.	24 Hrs.

Fiscal Year 2008/2009

Hourly Rates (including overhead and profit) and Proposed Hours:

Carl Schiermeyer, Principal	\$113.90/Hr.	860 Hrs.
Associate	\$ 65.85/Hr.	24 Hrs.

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 23

Date: April 4, 2007

Subject: Award of Transportation Development Act Funds (TDA) Article 3 for Transit Stops Access and Bicycle and Pedestrian Projects

Recommendation:* Approve the award of TDA Article 3 funds for Transit Stop Access and Bicycle and Pedestrian Projects outlined in Attachments A & B totaling \$4,295,543 as identified in the Financial Impact Section.

Background: In November 2006 the SANBAG Board authorized the release of the biennial TDA Article 3 Call for projects for 1) projects to improve access to transit stops and 2) bicycle and pedestrian projects. At the time of the Call the amount of Article 3 available for transit stop access improvements was \$816,495 and \$3,264,979 for bicycle and pedestrian projects. However, at the February 2007 Commission meeting an increase in estimated LTF revenue was approved and consequently the amount available has been increased. In addition to being approved at the November 2006 Board meeting, the Call for Projects presented to the Plans and Programs Committee, published in SANBAG's Street Smart and posted on SANBAG's website. Projects applications were due on February 2nd.

Eighteen projects totaling \$814,926 (Attachment A) were submitted under the transit stop access improvement Call and eleven projects totaling \$3,480,617 (Attachment B) were submitted under the bicycle and pedestrian Call.

An evaluation committee was not convened as the total amount for projects submitted is within the funding available. The applications were reviewed by

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*Approved
Board of Directors*

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

staff for completeness and jurisdictions were contacted when clarification was required.

SANBAG Board policy requires that projects awarded TDA Article 3 funds be completed within two years of Board approval. Projects awarded in this cycle will need to be completed by June 30, 2009.

The last Call for Projects funded by TDA Article 3 was in November 2004. Prior to the 2004 Call the Article 3 funding was combined with Transportation Enhancement Activity (TEA) funding which currently is fully allocated to projects. Attachment C lists those projects that have received a TDA Article 3 award of funding in prior calls. Of note, the City of Victorville's Riverwalk Train and the County of San Bernardino's Santa Ana River Trail Phase III have been held up in the environmental clearance phase because there is federal funding associated with those projects. The remainder of projects on the list are to be completed by June 2007. SANBAG staff has contacted the jurisdictions to remind them of the deadline.

Financial Impact: The administration of Transportation Development Act funds is the responsibility of SANBAG. Expenses associated with this responsibility are included in the adopted budget under Task 50207000 – TDA Administration. The award of \$814,926 in TDA Article 3 funds for transit stop access improvement projects and \$3,480,617 in TDA Article 3 funds for bicycle and pedestrian projects is consistent with the amount of Article 3 funds held in Task 50607000 – Local Transportation Funds – Pass Through.

Reviewed By: This item was reviewed by the Plans and Programs Committee on March 21, 2007 and unanimously recommended for approval. (*Meeting chaired by Paul Eaton*)

Responsible Staff: Victoria Baker, Sr. Transit Analyst
Michael Bair, Director of Transit and Rail Programs

Attachment A
Local Transportation Fund
Article 3

Transit Access Projects Recommended for Funding

JURISDICTION	FUND REQUESTED	JURISDICTION SUBTOTAL	ACCUMULATED TOTAL
COLTON, City of La Cadena Ave Bus Stop - Omnitrans Rt. 19	\$278,426		
		\$278,426	\$278,426
HIGHLAND, City of #1 9th Street Bus Stop Access @ Guthrie Street #2 9th Street Bus Stop Access @ Cunningham St. & Central Ave.	\$81,649		
	\$81,649		
		\$163,298	\$441,724
NEEDLES, City of #1 "J" Street and Bailey ADA Ramps #2 Coronado Av. & "J" St. (sidewalk & ramps) Ramp - Bailey Ave. & Washington St. Ramp - Bailey Ave. & Collins St. Ramp - Bailey Ave. & Erin Dr. #1 Ramp - Bailey Ave. & Erin Dr. #2 Erin Dr. to Washington St. Sidewalk	\$2,575 \$5,150 \$5,150 \$2,575 \$10,300 \$5,150 \$24,033		
		\$54,933	\$496,657
ONTARIO, City of #1 Milliken Ave. @ Jurupa St. #2 Jurupa St. @ Rockefeller Ave.	\$74,552 \$80,300		
		\$154,852	\$651,509
RANCHO CUCAMONGA, City of #1 Foothill Blvd. Bus Bay - West of Haven #2 Foothill Blvd. Bus Pad - West of Archibald #3 Foothill Blvd. Bus Pad - East of Elm #4 Vineyard Ave. Bus Pad - South of Ninth St.	\$19,360 \$22,680 \$9,100 \$11,000		
		\$62,140	\$713,649
SAN BERNARDINO CO. Vista Road Sidewalk - North Side	\$81,277		
		\$81,277	\$794,926
YUCAIPA, City of Yucaipa Blvd. Bus Pads/Sidewalk	\$20,000		
		\$20,000	\$814,926
TOTAL FUNDS AVAILABLE			\$870,390

Attachment B
Local Transportation Fund
Article 3
Bicycle Pedestrian Projects Recommended for Funding

JURISDICTION	FUNDS REQUESTED	JURISDICTION SUBTOTAL	ACCUMULATED TOTAL
BIG BEAR LAKE, City of Mill Creek Road to Paine Road Sidewalk	\$318,745		
		\$318,745	\$318,745
CHINO HILLS, City of Chino Hills Bicycle Lane Demarcation	\$35,000		
		\$35,000	\$353,745
COLTON, City of North Colton Sidewalk Project Santa Ana River Trail Staging Area	\$195,964 \$210,393		
		\$406,357	\$760,102
GRAND TERRACE, City of Mt. Vernon Sidewalk and Bikelane	\$270,360		
		\$270,360	\$1,030,462
HESPERIA, City of Civic Center Bike Path	\$245,409		
		\$245,409	\$1,275,871
HIGHLAND, City of Church Avenue Pedestrian Walkway	\$94,939		
		\$94,939	\$1,370,810
ONTARIO, City of Fern Ave. Pedestrian Improvements	\$161,427		
		\$161,427	\$1,532,237
RANCHO CUCAMONGA, City of Pac. Elec. Inland Emp. Trail Bikeway Phase IV-a Grove Ave. to Cucamonga Creek	\$1,315,500		
		\$1,315,500	\$2,847,737
SAN BERNARDINO/HIGHLAND, Cities of 5th St./Greenspot Road Bikeway - Waterman Ave to Palm Ave & Boulder Ave to Valencia Court	\$242,880		
		\$242,880	\$3,090,617
YUCAIPA, City of Community Core Bikeway Phase II	\$390,000		
		\$390,000	\$3,480,617
TOTAL FUNDS AVAILABLE			\$3,481,557

Attachment C
Local Transportation Fund
Article 3

Transit Access Improvement and Bicycle Pedestrian Prior Years Awards

	Amount Awarded	Project Status
FY 1999-2000 PROJECT AWARD		
Victorville, City of - Riverwalk Trail Project	\$ 691,000	Tea Project - scheduled completion 6/09
FY 2000-2001 PROJECT AWARD		
San Bernardino, County of - Santa Ana River Trail - Waterman Ave. to Alabama St.	\$ 559,940	Tea Project - scheduled completion 6/09
FY 2004-2005 PROJECT AWARD		
Transit Access Improvement Projects		
Chino Hills, City of - Los Serranos Neighborhood	\$ 46,300	
MBTA - 29 Palms Stater Brothers/Rite Aid Transfer Site	\$ 14,570	Project Complete Reimbursement Pending
Yucca Valley Hwy 62 & Joshua Lane Bus Stop	\$ 15,242	Project Complete Reimbursement Pending
Yucca Valley Stater Brothers Bus Stop	\$ 15,242	Project Complete Reimbursement Pending
Yucca Valley Del Taco Bus Stop	\$ 15,242	Project Complete Reimbursement Pending
Joshua Tree County Government Center	\$ 96,993	Project Complete Reimbursement Pending
MARTA - Elks Lodge Bus Stop	\$ 117,600	Project Complete Reimbursement Pending
Needles - W. Broadway & Market Street (sidewalk & ramp)		Construction begins 3/12/07
	\$ 3,480	
Coronado Ave. & Erin Dr. (2 ramps)	\$ 2,000	Construction begins 3/12/07
Coronado Ave. & "J" Street (sidewalk, ramp Buy-Rite Mkt)		Construction begins 3/12/07
	\$ 2,400	
Coronado Ave. & "J" Street (ramp @ NE corner)	\$ 1,000	Construction begins 3/12/07
Senior Center, Bus Stop @ Mesa Grande Apts.	\$ 16,250	Construction begins 3/12/07
Omnitrans - San Antonio Hospital, Upland	\$ 47,340	
Hospitality Lane @ Tippecanoe Ave., S.B.	\$ 3,600	
Santa Fe Depot Bus Stop, S.B.	\$ 4,400	
Wail-Mart Stop, Rialto	\$ 2,100	
Hospitality Lane @ Harriman Place, S.B.	\$ 1,920	
S.B. County Transportation - Maple Lane Bus Stop Relocation	\$ 70,000	
VVTA - Kiowa Road & So. Of Yucca Loma, A.V.	\$ 4,012	
St. Mary's Medical Center, A.V.	\$ 45,000	
Bear Valley Road W. of Industrial Blvd., V.V.	\$ 45,000	
Orick & Vasquez, V.V.	\$ 5,025	
Hesperia Post Office Stop	\$ 31,926	
Hesperia Road @ Trump Road, V.V.	\$ 7,181	
Bear Valley Road E. of Navajo, A.V.	\$ 3,656	
Armagosa & Mojave, V.V.	\$ 4,406	
Danbury Road @ Lake Arrowhead Road, Hesperia	\$ 3,995	
Armagosa Road, NB S. of Bear Valley Road, V.V.	\$ 11,250	
Amethyst & Northstar, V.V.	\$ 6,938	
Mariposa Road NB @ Totem Pole, V.V.	\$ 3,495	
Yucaipa, City of - Yucaipa Blvd. Bus Pads/Sidewalk	\$ 35,000	Project Complete Reimbursement Pending
Uptown Bus Pads/Sidewalks	\$ 15,000	Project Complete Reimbursement Pending

Attachment C
Local Transportation Fund
Article 3
Transit Access Improvement and Bicycle Pedestrian Prior Years Awards

	Amount Awarded	Project Status
Bicycle and Pedestrian Projects		
Big Bear Lake, City of - Sr. Housing Pedestrian Access	\$ 81,300	Construction begins 5/07
Chino Hills, City of - Sidewalk Gap Closure #1	\$ 80,000	
Colton, City of - Signalizing the Colton Ave. Bike Lane	\$ 245,000	
Fontana, City of - Bicycle Mobility Enhancement Project	\$ 65,000	
Pacific Electric Inland Empire Trail, Stage II	\$ 338,000	Construction to begin 5/07
Highland, City of - Webster St. Sidewalk Project	\$ 43,636	Project Complete Reimbursement Pending
Sterling Ave. Sidewalk Project	\$ 47,957	Project Complete Reimbursement Pending
Pacific St. Sidewalk Project	\$ 196,134	
Needles, City of - Mesa Grande Sr. Apt. Ramp	\$ 1,000	Construction begins 3/12/07
Bailey St. & "J" St. Ramp	\$ 2,500	Construction begins 3/12/07
Nikke Bunch Ballpark Sidewalk & Ramp	\$ 3,200	Construction begins 3/12/07
Civic Center Dr. & "J" St. west intersection Ramp	\$ 1,100	Construction begins 3/12/07
Civic Center Dr. & "J" St. east intersection Ramp	\$ 1,100	Construction begins 3/12/07
219 "I" St. Sidewalk and 2 Ramps	\$ 10,000	Construction begins 3/12/07
Rancho Cucamonga, City of - Pacific Electric Inland Empire Trail, Archibald to Haven, Phase III	\$ 954,900	
Rialto, City of - Linden Ave. Sidewalk Project	\$ 103,000	
Maple Ave. Sidewalk Project	\$ 30,650	
Upland, City of - Campus Ave. Sidewalk & Ramps	\$ 23,520	Project Complete Reimbursement Pending
Raymond Ave. Sidewalk & Ramps	\$ 35,280	Project Complete Reimbursement Pending
Olive Street Sidewalk & Ramps	\$ 35,280	Project Complete Reimbursement Pending
Highland Court Sidewalk & Ramps	\$ 45,570	Project Complete Reimbursement Pending
Seventh Street Sidewalk & Ramps	\$ 39,690	Project Complete Reimbursement Pending
Berlyn Ave. Sidewalk & Ramps	\$ 23,520	Project Complete Reimbursement Pending
Eleventh Ave. Sidewalk & Ramps	\$ 11,025	Project Complete Reimbursement Pending
Victorville, City of - Hollyvale School Sidewalk Project	\$ 162,571	Contract award 8/1/06
Yucaipa, City of - Yucaipa Community Core Bikeway	\$ 370,000	Contract to be awarded 6/4/07
Yucca Valley, Town of - Community center & Park-N-Ride Lockers	\$ 20,000	Project Complete Reimbursement Pending
Total Prior Award \$ 4,919,436		

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 24

Date: April 4, 2007

Subject: Budget Amendment to Local Transportation Fund (LTF) Pass-Through Budget,
Task Number 50607000

Recommendation:* Approve an amendment to the LTF Pass-Through Budget, Task Number 50607000, increasing the budget authority by \$10,419,376 for a new total of \$86,057,525.

Background: The LTF Pass-Through was incorporated into SANBAG's Annual Budget for the first time in Fiscal Year 2006/2007. The LTF is allocated in a specific priority order, 1) Administration Allocation, sums as are necessary for SANBAG and the County Auditor/Controller to administer the Fund, 2) Planning and Programming Allocation, up to three percent (3%) of the annual revenues for SANBAG and a proportional share of \$1.0 million to SCAG, 3) Pedestrian and Bicycle Allocations, two percent (2%) of the remaining annual revenues, 4) Rail Passenger Service up to area of apportionment, 5) Community Transit Service Allocation up to five percent (5%) of the annual revenue, 6) Public Transportation Allocation up to area of apportionment, 7) Miscellaneous Transportation Allocations, including contract transit service and street and road projects in the Mountain/Desert Region up to area of apportionment. For the purposes of this item, priorities three (3) through seven (7) are considered available for pass-through funding.

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Approved
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

The Commission approved an increase in the LTF revenue estimate for Fiscal Year 2006/2007 at their February 2007 meeting. The action being taken here allows for the allocation and disbursement of the increase to all prospective claimants.

Financial Impact: This amendment to the Local Transportation Fund Pass-Through Budget, Task Number 50607000, will increase the budget authority by \$10,419,376 for a new total of \$86,057,525, allowing SANBAG to make allocations and disbursements to all prospective claimants.

Reviewed By: This item was reviewed by the Administrative Committee on March 14, 2007 and unanimously recommended for approval. (*Meeting chaired by Lawrence Dale*)

Responsible Staff: Victoria Baker, Senior Transit Analyst
Michael Bair, Director of Transit and Rail Programs

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 25

Date: April 4, 2007

Subject: National Environmental Policy Act (NEPA) Delegation Pilot Program

Recommendation:*

1. Authorize the Executive Director to sign a Letter of Agreement (C07206) with the California Department of Transportation (Caltrans) to participate in the NEPA Delegation Pilot Program.
2. Contribute \$104,617 of federal Regional Surface Transportation Program (RSTP) funds to Caltrans for implementation of the NEPA Delegation Pilot Program.

Background: The Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) designated California as one of five states eligible to participate in a National Environmental Policy Act (NEPA) delegation pilot program through the end of SAFETEA-LU in 2009. This pilot program delegates federal environmental responsibilities for federal-aid surface transportation projects under NEPA from the Federal Highway Administration (FHWA) to the State to the degree sought by the State. Caltrans has proposed to take full delegation for all federalized highway and road projects. Caltrans estimates that NEPA delegation could save between two to four months on projects requiring significant consultation with resource and regulatory agencies, such as Environmental Assessments (EA) and Environmental Impact Statements (EIS), by eliminating the often redundant FHWA review and correspondence time. Even Categorical Exclusions (CE) could see time savings by the elimination of FHWA from field reviews and formal consultation correspondence.

*

Approved
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

Caltrans is providing five senior-level and one supervising-level environmental planner positions throughout the State to support implementation of this pilot program for local assistance projects. One of these positions will be in District 8 to support Districts 8 and 11. These positions will be performing FHWA's current oversight role and facilitating consultations with resources and regulatory agencies. In addition, they will be handling the considerable reporting requirements of the pilot program, which include biannual audits by FHWA, process reviews, self-assessments, and reporting to FHWA, the State, and the local agencies benefiting from this delegation. San Bernardino County local agencies expect to process at least seven EAs during the period of the pilot program in addition to reviews in process and CEs, more than any of the other counties benefiting from the new position in District 8.

Caltrans has requested that those counties expected to benefit from this program, essentially all urban regions that receive federal local assistance funds, contribute proportional shares to support the \$1 million annual cost of staffing this program. SANBAG's share of this cost would be 0.12% of the region's total federal local assistance funds, or \$41,847 per year, as shown on Attachment 1. Note that the first payment has been prorated to cover only half of this fiscal year. Although the percentage contribution is based on the total federal local assistance funds apportioned to SANBAG, which includes both Congestion Mitigation and Air Quality (CMAQ) and Regional Surface Transportation Program (RSTP) funds, the funds will only be deducted from the RSTP annual apportionment. As a result, approving this contribution will reduce the region's RSTP apportionment by about 0.3% per year. Staff estimates this will be easily offset by the potential project cost savings resulting from what could prove to be a more efficient and streamlined review process. In an effort to quantify these benefits, SANBAG will request that Caltrans provide a periodic performance report that would include a list of projects processed under delegation and anticipated versus actual completion dates of the NEPA delegation activities. In addition, SANBAG expects that continuation of this program past the three-year pilot program will be funded by Caltrans.

Financial Impact: This item has no direct impact on the adopted SANBAG Budget. Staff activities associated with this item are consistent with the adopted SANBAG Budget, Task No. 37307000, Federal/State Fund Administration.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Mountain/Desert Committee on March 16, 2007. It was reviewed and approved by the Plans and Programs Policy Committee on March 21, 2007. (9-0-1) (Opposed: Nuaimi) (*Meeting chaired by Paul Eaton*)

Responsible Staff: Andrea Zureick, Senior Transportation Analyst
Ty Schuiling, Director of Planning and Programming

brd0704a-abz
37307000
Attachment: C07206.doc

ATTACHMENT 1
Proposed Contribution for
NEPA Delegation Pilot Program

Region	Projected Base FFY 2006 Formula OA	<u>Contribution for NEPA</u>		
		FY 06/07	FY 07/08	FY 08/09
Fresno	\$15,180,961	\$9,188	\$18,376	\$18,376
Kern	\$12,611,687	\$7,633	\$15,266	\$15,266
Los Angeles	\$188,145,121	\$113,872	\$227,743	\$227,743
Orange	\$56,373,386	\$34,119	\$68,238	\$68,238
Riverside	\$32,285,867	\$19,540	\$39,081	\$39,081
Sacramento (SACOG)	\$34,125,529	\$20,654	\$41,308	\$41,308
San Bernardino	\$34,570,888	\$20,923	\$41,847	\$41,847
San Diego	\$48,546,070	\$29,382	\$58,763	\$58,763
S.F. Bay Area (MTC)	\$115,490,729	\$69,899	\$139,797	\$139,797
San Joaquin	\$10,980,988	\$6,646	\$13,292	\$13,292
Stanislaus	\$8,645,645	\$5,233	\$10,465	\$10,465
Ventura	\$12,370,181	\$7,487	\$14,974	\$14,974
Imperial	\$1,588,405	\$961	\$1,923	\$1,923
HBP	\$178,194,183	\$107,849	\$215,698	\$215,698
Safety	\$77,019,081	\$46,614	\$93,229	\$93,229
GRAND TOTAL	\$826,128,721	\$500,000	\$1,000,000	\$1,000,000

Note: \$1 million for FY 07/08 and FY 08/09 represents 0.12% of Total Projected Formula OA for FFY 2006.

Regional contributions for FY 06/07 represent one half (or 0.06%) of Total Projected Formula OA for FFY 2006 for the 6 months remaining in FY 06/07.

SANBAG Contract No. C07206

by and between

San Bernardino Associated Governments

and

Caltrans

for

Contribution of Federal Local Assistance Funds for NEPA Delegation Pilot Program

FOR ACCOUNTING PURPOSES ONLY				
<input type="checkbox"/> Payable <input type="checkbox"/> Receivable	Vendor Contract # _____ Vendor ID _____	Retention: <input type="checkbox"/> Yes _____ % <input type="checkbox"/> No	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment	
Notes: This is an agreement to allow Caltrans to use \$104,617 in federal Regional Surface Transportation Funds to fund the NEPA Delegation Pilot Program. These funds do not flow through SANBAG, but will be taken off of the top of our regional apportionment.				
Original Contract: \$ <u>104,617</u> Contingency Amount: \$ _____	Previous Amendments Total: \$ _____ Previous Amendments Contingency Total: \$ _____ Current Amendment: \$ _____ Current Amendment Contingency: \$ _____			
Contingency Amount requires specific authorization by Task Manager prior to release.				
Contract TOTAL →				\$ <u>104,617</u>
↓ Please include funding allocation for the original contract or the amendment.				
<u>Task</u>	<u>Cost Code</u>	<u>Funding Sources</u>	<u>Grant ID</u>	<u>Amounts</u>
N/A	N/A	N/A	N/A	\$ N/A
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
Original Board Approved Contract Date: <u>4/4/07</u>		Contract Start: <u>4/4/07</u>		Contract End: <u>9/30/09</u>
New Amend. Approval (Board) Date: _____		Amend. Start: _____		Amend. End: _____
If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:				
Approved Budget Authority →	Fiscal Year: _____ \$ _____	Future Fiscal Year(s) – Unbudgeted Obligation →		\$ _____
Is this consistent with the adopted budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, which Task includes budget authority? _____ If no, has the budget amendment been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No				
CONTRACT MANAGEMENT				
Please mark an "X" next to all that apply:				
<input checked="" type="checkbox"/> Intergovernmental <input type="checkbox"/> Private <input type="checkbox"/> Non-Local <input type="checkbox"/> Local <input type="checkbox"/> Partly Local				
Disadvantaged Business Enterprise: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes _____ %				
Task Manager: Ty Schuiling			Contract Manager: Andrea Zureick	

Task Manager Signature _____ Date _____

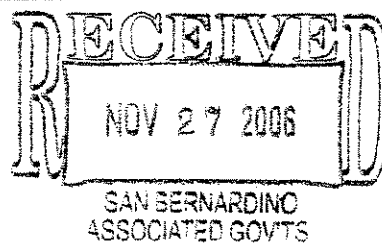
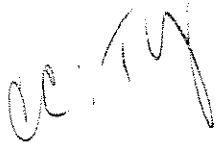
Contract Manager Signature _____ Date _____

Chief Financial Officer Signature _____ Date _____

Filename: C07206

Form 28 06/06

DEPARTMENT OF TRANSPORTATION
DIVISION OF LOCAL ASSISTANCE – M.S. 1
1120 N STREET
P. O. BOX 942874
SACRAMENTO, CA 94274-0001
PHONE (916) 653-1776
FAX (916) 654-2409
TTY (916) 653-4086



*Flex your power!
Be energy efficient!*

LETTER OF AGREEMENT

November 14, 2006

San Bernardino Associated Governments
Mr. Tony Grasso, Executive Director
1170 W. 3rd Street
San Bernardino, CA 92401-1715

The California Department of Transportation (Department) is taking every action possible to prepare for the Federal Highway Administration (FHWA) delegation of National Environmental Policy Act (NEPA) roles and responsibilities to this Department. To date, we have:

- met with resource and regulatory agencies;
- conferred with the other four pilot states on the development of performance measures;
- assembled information needed for the Application and the MOU;
- established Departmental teams to brainstorm transitional issues;
- reviewed past practices to establish a baseline for measuring efficiencies under Delegation;
- outlined State and local agency training needs under Delegation;
- began updating current tracking and reporting systems and drafting changes to Departmental policy, guidance and procedures; and
- obtained a Waiver of Sovereign Immunity.

The Department expects the following actions to be completed and to be fully delegated by Spring 2007:

- FHWA's publication of the final rule on application requirements.
- Completion of the thirty-day public review period for the application.
- FHWA's final review and acceptance of the application.
- Final negotiation of the Memorandum of Understanding (MOU).

November 14, 2006

Page 2

The positions needed to assist with local agency project delivery under this delegation have been approved in the Department's budget as reimbursed work. These positions will be immediately utilized, commencing now, to assist with the initial implementation of NEPA Delegation in each district, including record keeping, database management, and regional workshops and training. Once the NEPA Delegation MOU is executed, these positions will thereafter carry out the duties currently performed by FHWA and will facilitate with FHWA audits and reporting.

During the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) consensus team meetings it was understood that the Regions would be required to contribute to the increased cost to the Department for NEPA delegation, since local projects were to be included. The attached sheet shows the prorated cost to each Region per year for the next three (3) years.

Please concur by signing and returning this Letter of Agreement to Mr. Terry L. Abbott, Department of Transportation, Division of Local Assistance, MS1, P.O. Box 942874, Sacramento, CA 94274-0001, by December 15, 2006. Upon your concurrence, the Department's Division of Programming will reduce your apportionment and obligation authority by the amount shown. Please insure your Federal Transportation Improvement Program (FTIP) reflects this reduction from your Regional Surface Transportation Program (RSTP) for each of the next three (3) years.

We greatly appreciate your assistance and look forward to an effective implementation of the NEPA Delegation Pilot Program.

For the Department

A handwritten signature in black ink, appearing to read "Terry L. Abbott", written over a horizontal line.

TERRY L. ABBOTT

Chief

Division of Local Assistance

Attachment

Concurrence:

The San Bernardino Associated Governments agrees to reduce the programming capacity of its Regional Surface Transportation Program (RSTP) by \$20,923 for FY06/07, and \$41,847 per year for FY 07/08 and FY 08/09. The Department is authorized to appropriately program this amount to cover the additional cost to its Local Assistance Program for NEPA delegation.

San Bernardino Associated Governments
Representative

Effective Date

DISCUSSION ITEMS

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 26

Date: April 4, 2007

Subject: San Bernardino County Annual Survey

Recommendation:* Receive report on results of the 2006 San Bernardino County Annual Survey and provide direction to SANBAG staff, if required.

Background: Since 1997, SANBAG has helped sponsor an annual survey about transportation and quality of life issues in San Bernardino County. This is the 10th anniversary of the survey, which now provides a decade of information about public perceptions and trends in our region. The Inland Empire Research Consortium conducted the San Bernardino County Annual Survey in October and November 2006 and recently completed their analysis.

The Consortium will release its survey results on April 4. The survey produces important information for both public and private sector decision-makers by measuring:

- Public optimism or skepticism regarding the regional economy, personal economic well-being, and employment issues.
- Commuting distances and destinations for employed county residents.
- Public perception of key policy issues and the quality of public services in the Inland Empire.

*

Approved
Board of Directors

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

- Characteristics of the public that have important policy implications, as well as views on amenities like shopping, educational opportunities, entertainment, and recreation.
- Statistical differences between subareas of San Bernardino County.

This is the 10th year that the Board of Directors has sponsored a survey of county residents. A PowerPoint presentation of the survey results will be provided, along with some interesting changes that have occurred in San Bernardino County during the past decade. A printed copy of the survey report also will be distributed at the meeting.

Financial Impact: This item has no immediate impact upon the budget. Funding for the survey is consistent with the adopted budget for Publications and Public Outreach, Task No. 60507000.

Reviewed By: This item has not had prior policy committee review.

Responsible Staff: Cheryl Donahue, Public Information Officer

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 27

Date: April 4, 2007

Subject: State and Federal Legislative Briefing

Recommendation:*

1. Receive Report on State and Federal Legislative Issues; and
2. Adopt the following bill positions:
 - a. Support - AB 1373 (Emmerson)
 - b. Support - AJR 14 (Jefferies)
 - c. Support - SB 445 (Torlakson)
 - d. Support - -SCR 16 (Negrete-McLeod)
 - e. Oppose - AB 1337 (Nava)
 - f. Oppose - SB 540 (Harman)

Background: State Legislative Report

Legislation

To date, there are 23 legislative proposals in circulation concerning Proposition 1B, all of which will be further developed in the coming months. Continued updates and reports of these bills will be vetted in SANBAG's Administrative Committee and will be included in future agendas for the entire board's consideration for support or opposition.

As for SANBAG sponsored legislation, SCR 16 (Negrete-McLeod) relative to memorializing Gary Moon, has been introduced and will be heard in Senate Transportation on April 10, 2007. Additionally, Assembly Member Emmerson introduced AB 1373, a design-build bill related to local interchange

Approved
Board of Directors

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

improvements that benefit access to trauma care facilities. It is recommended that SANBAG formally support both of these legislative proposals.

Four other pieces of state legislation that require formal support or opposition by the SANBAG board are as follows:

- AJR 14 (Jefferies) – Support
- AB 1337 (Nava) – Oppose
- SB 445 (Torlakson) – Support
- SB 540 (Harman) – Oppose

SUPPORT: AJR 14 (Jefferies) would memorialize the President and the Congress of the United States to enact legislation that will ensure that a substantial increment of new revenues derived from customs duties and importation fees be dedicated to mitigating the economic, mobility, security, and environmental impacts of trade in California and in other trade-affected states across the United States.

OPPOSE: AB 1337 (Nava) would require employees of the California Department of Transportation to perform the construction management and engineering for all projects on the state highway system, including inspection, quality control inspection, surveying, materials testing and resident engineer functions. If passed, this bill will significantly change the manner in which SANBAG conducts business and may result in higher operational costs.

SUPPORT: SB 445 (Torlakson) would create the Road User Task Force, with 11 members appointed by the Legislature, Governor, California Transportation Commission, and city and county organizations. The bill would require the task force to hold at least 3 public hearings around the state and to report to the Legislature and Governor by January 1, 2009, on alternatives to the current system of taxing road users through per-gallon fuel taxes.

OPPOSE: SB 540 (Harman) would provide, for purposes of the law established by Proposition 42, that the terms “sales price” and “gross receipts” do not include the amount of any state and federal fuel taxes. If passed, this bill will eliminate the application of the sales tax on the excise tax at the pump.

For a complete list of bills we are currently tracking, please see the attached bill matrix.

Administration

In March, the Governor announced Dale Bonner as his selection to replace former Business, Transportation and Housing Secretary McPeak. Mr. Bonner previously served as California Corporations Commissioner under Governor Pete Wilson and brings solid government and private sector experience to his new position. He is expected to be a forceful advocate for the Governor's economic vision, including a reinvigorated infrastructure. Of special note, Secretary Bonner is a local product who proudly proclaims Victorville as his home town.

Ty Schuiling, SANBAG's Director of Planning and Programming, met with Secretary Bonner on March 26, 2007 along with representatives from the Southern California Association of Governments (SCAG), Orange County Transportation Authority (OCTA), Riverside County Transportation Commission (RCTC) and the Port of Long Beach. The purpose of the meeting was to discuss the nature and necessity of the proposed Southern California National Freight Gateway Memorandum of Understanding, "MOU", a collaborative process to bring local, state and federal stakeholders together to resolve Southern California's freight and air quality problems as it relates to goods movement. One of the key objectives was to highlight efforts to develop the processes, protocols, schedule of work products, milestones, decision-points and system of accountability that are critical to an effective Southern California National Goods Movement Strategy.

Also, the Governor made three key appointments to the California Transportation Commission, including California Alliance for Jobs Executive Director Jim Earp. The driving force behind Proposition 1B, Jim Earp chaired both the umbrella infrastructure bond campaign and the transportation community's 1A/1B effort last fall. Carl Guardino, CEO of the Silicon Valley Leadership Group, was also appointed and John Chalker, a San Diego businessman and current CTC Commissioner, was reappointed. All three were appointed to four-year terms beginning March 1.

Federal Legislative Report

Federal Budget Update

The Federal FY 2008 Budget includes \$2.9 trillion in actual spending and \$66.9 billion in spending through the Department of Transportation. This includes the following:

1. Highways: The FY 2008 Budget includes \$39.6 billion for highways. This is consistent with the spending levels set under SAFETEA-LU. Upon completing a review of the proposed federal budget, Van Scoyoc Associates, SANBAG's advocates in Washington, D.C., indicated that SAFETEA-LU projects for FY 2008 are expedited to be funded through the proposed budget. The question in the coming days will be what will be available in discretionary spending in addition to these previously authorized earmarks.

SAFETEA-LU also requires an increase in highway funding from the Revenue Aligned Budget Authority (RABA) account. The RABA calculation adjusts highways funding up or down based on gas tax receipts. This year RABA is a positive \$631 million. The Administration's budget does not account for this; which may bolster funding.

DOT funds its congestion mitigation program by transferring stale earmarks from a previous highway bill, ISTEA.

2. Innovative Financing: The budget also proposes \$93 million to help stimulate private capital investment in transportation infrastructure under the Transportation Infrastructure Finance and Innovation Act (TIFIA).

Federal Appropriations Process

Required funding request forms have been submitted to the California U.S. Senators and to Congressmen Dreier, Lewis, Baca and McKeon. Each office received a copy of SANBAG's funding request form and an informational fact sheet about each project in their respective districts. The original deadline for members to submit projects for inclusion in the House Transportation, Housing and Urban Development appropriations act was March 16, 2007; however, that deadline was extended into April.

Earmark Reforms

The House/Senate earmark reforms require that in seeking an earmark, a Senator/Member must provide a written statement to the chairman and ranking member of the committee of jurisdiction, including 1) the name of the Senator/Member; 2) the name and address of the intended recipient of the earmark, or if there is no specifically intended recipient, the intended location of the activity; 3) the purpose of the earmark; and 4) certification that the Senator/Member and spouse have no financial interest in the earmark.

No legislation (amendment, bill, or conference report) may be considered by the Senate or House of Representatives if it contains an earmark, unless those earmarks have been either printed in the accompanying report or in the Congress Record. The Senate-passed bill includes one change that was not in the House rules change: all earmarks must be in a "searchable format" for at least 48 hours (making it easier to find an earmark buried in a list of hundreds). Also, it would require a vote of 60 Senators to waive these requirements.

There has been much debate about "what is an earmark." An earmark is defined in both House and Senate versions as a "Provision or report language included primarily at the request of a Member or Senator, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process."

SAFETEA-LU Technical Corrections Bill

In 2005, Congress passed the transportation reauthorization bill, Safe, Accountable Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU). On behalf of SANBAG, Congressman Baca submitted a request to amend SAFETEA-LU High Priority Project 2826, the State Street/Cajon Boulevard grade separation project, which has been incorporated into HR 1195 – the SAFETEA-LU Technical Corrections bill. The effect of this amendment would reallocate \$1.6 million from the State Street/Cajon Boulevard grade separation project, in San Bernardino, to the Palm Avenue grade separation, also in San Bernardino. The purpose for this reallocation is a result of the State Street/Cajon Boulevard grade separation receiving funds from the state's Transportation Congestion Relief Program (TCRP). Should Congress adopt HR 1195, the State Street/Cajon Boulevard grade separation will not have to go through the National Environmental Protection Act (NEPA) process and our region will be able to construct an additional grade separation located at Palm Avenue.

Financial Impact: No impact on SANBAG Budget; potential gains or losses may be experienced depending on outcome of legislative proposals.

Reviewed By: This item was reviewed and unanimously recommended for approval by the SANBAG Administrative Committee on March 14, 2007 (*Meeting Chaired by Lawrence Dale*) and is scheduled for review by the Board of Directors on April 4, 2007.

Responsible Staff: Jennifer Franco, Director of Intergovernmental and Legislative Affairs

2006-2007 State Legislation
for SANBAG Review

Bill #	Author	Description	Status
AB 57 Introduced 12/04/2006 html pdf	Soto (D. - Dist 61)	Highways: Safe Routes to School construction program. Existing federal law contains appropriations for a number of programs related to projects for the improvement of highway safety and the reduction of traffic congestion, including projects for bicycles and pedestrian safety and traffic calming measures in high-hazard locations. Existing state law authorizes certain state and local entities to secure and expend the federal funds for these purposes, but provides for the repeal of these provisions on January 1, 2008. This bill would delete the January 1, 2008, repeal date for these provisions, thereby extending the provisions indefinitely, and would make related changes. This bill contains other existing laws.	SENATE TRANS.
AB 99 Introduced 12/21/2006 html pdf	Feuer (D. - Dist 42)	Vehicular air pollution control: clean alternative fuels. Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law requires the state board to establish, by regulation, various standards for gasoline and motor vehicle fuel. This bill would make legislative findings and declarations regarding the use of clean, alternative fuels. This bill would also declare the intent of the Legislature to ensure that, by January 1, 2012, no less than 50% of all new cars made available for sale in California are powered by clean alternative fuels.	SENATE PRINT
AB 256 Introduced 02/05/2007 html pdf	Huff (R. - Dist 60)	State highway operation and protection program. Existing law requires the Department of Transportation, subject to approval by the California Transportation Commission, to prepare on an every-other-year basis a 4-year state highway operation and protection program, which identifies the expenditure of transportation funds for major capital improvements that are necessary to preserve and protect the state highway system. Other major capital improvements on the state highway system are subject to the project nomination and programming procedures for the state transportation improvement program. This bill, for any fiscal year in which the Budget Bill has not been chaptered on or before July 1 of that fiscal year, would appropriate to the department, from funds in the State Highway Account that are subject to Article XIX of the California Constitution, the amount identified in the state highway operation and protection program for traffic safety projects to be advertised in that fiscal year. The bill would also provide that this appropriation would be superseded by the appropriation for the program in the Budget Bill at the time the Budget Bill is chaptered. This bill contains other existing laws.	SENATE TRANS.
AB 412 Introduced 02/16/2007 html pdf	Smyth (R. - Dist 38)	Transportation: project delivery deadlines. Proposition 1B, approved by the voters at the November 2006 general election enacts the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, which authorizes the issuance of \$19,925 billion of general obligation bonds for various transportation programs. This bill would require the California Transportation Commission, in order to ensure the timely use of bond funds, to specify project delivery deadlines for each program category for which the commission has the authority under the bond act to allocate funds.	SENATE TRANS.
AB 575 Introduced 02/21/2007 html pdf	Arambula (D. - Dist 31)	The Highway Safety Traffic Reduction, Air Quality, and Port Security Fund of 2006: emission reductions. Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, was approved by the voters as Proposition 1B at the November 7, 2006, statewide general election and authorizes the issuance of \$19,925 billion of state general obligation bonds for specified purposes. The act requires that of the proceeds of the bonds issued and sold \$1,000,000,000 be made available upon appropriation by the Legislature to	SENATE PRINT

			the State Air Resources Board for emission reductions, not otherwise required by law or regulation, from activities related to the movement of freight along California's trade corridors. This bill would require that these funds be appropriated with the highest priority given to projects and agencies in severe nonattainment air districts. The bill would specify that the South Coast Air Quality Management District and the San Joaquin Valley Unified Air Pollution Control District each receive no less than \$300,000,000 of the funding available under the act.		
AB 633 Introduced 02/21/2007 hurl.pdf	Galgiani (D. - Dist 17)	Rail Safety and Traffic Mitigation Bond Act of 2007. Existing law requires the Public Utilities Commission to develop and maintain a priority list of railroad-highway grade crossings determined to be most urgently in need of separation or alteration. Existing law requires each annual proposed budget prepared by the Department of Transportation to include \$15,000,000 for grade separation projects. Existing law requires the California Transportation Commission to allocate available funding to projects pursuant to the priority list prepared by the Public Utilities Commission, and requires certain matching funds to be provided from nonstate funds and by the affected railroad. This bill would state the intent of the Legislature to enact legislation providing for a general obligation bond act in the amount of \$500,000,000 to be submitted to the voters for approval in order to provide funding for a program to eliminate the most dangerous railroad-highway grade crossings in the state, as identified by the Public Utilities Commission, with funds to be allocated by the California Transportation Commission. The bill would make legislative findings and declarations in that regard.	SENATE PRINT		
AB 669 Introduced 02/21/2007 hurl.pdf	Parra (D. - Dist 30)	Transportation bonds: State Highway Route 269. Proposition 1B, approved by the voters at the November 2006 general election, enacts the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, which authorizes the issuance of \$19,925 billion of general obligation bonds for various transportation purposes, including \$2 billion to be deposited in the Transportation Facilities Account, to be available, upon appropriation by the Legislature, for projects in the state transportation improvement program, to augment funds otherwise available for this purpose from other sources. This bill would appropriate an unspecified amount from the Transportation Facilities Account to the Department of Transportation for the design and construction of a specified bridge in the County of Fresno on State Highway Route 269. The bill would require the project to be completed and open for traffic by an unspecified date, and would require the Department of Water Resources to convey real property to the Department of Transportation needed for the project. The bill would enact other related provisions.	SENATE PRINT		
AB 699 Introduced 02/22/2007 hurl.pdf	Parra (D. - Dist 30)	Public schools: home-to-school transportation: funding. Existing law authorizes the governing board of a school district to provide for the transportation of pupils to and from school by purchasing or renting vehicles, contracting and paying for the transportation of pupils to and from school by common carrier or municipally owned transit system, or contracting with and paying responsible private parties for the transportation. Funding is provided in the annual Budget Act for that transportation, and school districts are reimbursed according to statutory provisions. This bill would declare the intent of the Legislature to enact legislation that would provide full funding for home-to-school transportation.	SENATE PRINT		
AB 784 Introduced 02/22/2007 hurl.pdf	Karnette (D. - Dist 54)	Transportation bonds. Proposition 1B, approved by the voters at the November 2006 general election, enacts the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, which authorizes the issuance of \$19,925 billion of general obligation bonds for various transportation purposes. This bill, with respect to certain of those bond funds, would require the California Transportation Commission or the Office of Emergency Services, as the allocating agency, to adopt guidelines and policies to ensure timely use of these bond funds by requiring construction on a project to begin no later than December 31, 2012. The bill would, notwithstanding any other provision of law, provide that applicants for bond funds allocated by the Office of Emergency Services need not comply with competitive bidding requirements. The bill would enact other related provisions. The bill would also	SENATE PRINT		

			make findings and declarations of the Legislature.			
AB 899 Introduced 02/22/2007 html pdf	Parra (D. - Dist 30)		Transportation facilities: public-private partnerships. Existing law authorizes the Department of Transportation and regional transportation agencies, as defined, until January 1, 2012, to enter into up to 4 comprehensive development lease agreements with public and private entities, or consortia of those entities, for certain transportation projects that may charge certain users of those projects tolls and user fees, subject to various terms and requirements. Under these provisions, the Legislature has 60 specified days to act after submittal of a negotiated lease agreement and the agreement would be deemed approved unless both houses of the Legislature concur in the passage of a resolution rejecting the agreement. This bill would make technical, nonsubstantive changes to that provision.	SENATE PRINT		
AB 901 Introduced 02/22/2007 html pdf	Nunez (D. - Dist 46)		Transportation: Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, authorizes \$19.925 billion of state general obligation bonds for specified purposes. The act requires that, among other things, a specified amount of the proceeds from those bonds be deposited in the Public Transportation Modernization, Improvement, and Service Enhancement Account. This bill would make various findings regarding public transportation and would declare the intent of the Legislature to provide accountability measures in the allocation of those proceeds.	SENATE PRINT		
AB 995 Introduced 02/22/2007 html pdf	Nava (D. - Dist 35)		California Ports Infrastructure, Security, and Air Quality Improvement Account. Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B in the November 2006 general election, establishes the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006 in the State Treasury. Specified moneys in the fund are required to be deposited in the California Ports Infrastructure, Security, and Air Quality Improvement Account to be available upon appropriation by the Legislature, for certain purposes. Existing law requires \$2,000,000,000 to be transferred from this account to the Trade Corridors Improvement Fund and requires moneys in this fund to be made available, upon appropriation by the Legislature in the annual Budget Bill, for allocation by the California Transportation Commission for infrastructure improvements along specified trade corridors. Existing law also requires \$1,000,000,000 from this account to be made available, upon appropriation by the Legislature, to the State Air Resources Board for emission reductions, not otherwise required by law or regulation, from activities related to the movement of freight along California's trade corridors. This bill would state the intent of the Legislature to advance certain goals and policies relating to these funds.	SENATE PRINT		
AB 1003 Introduced 02/22/2007 html pdf	Jeffries (R. - Dist 66)		Department of Transportation. Existing law provides that the Department of Transportation shall have full possession and control of the state highway system. Existing law provides for a local agency to engage in certain project development activities on state highway projects for which the agency is a funding partner. Existing law authorizes the department to enter into agreements governing project activities to be undertaken by the department in these and other related situations. This bill would provide that a local or regional agency that is contributing an unspecified portion of a state highway project's costs from local revenues to request the department to provide dedicated personnel or other resources pursuant to a special agreement between the agency and the department in order to expedite the department's review of the project.	SENATE TRANS.		
AB 1170 Introduced 02/23/2007 html pdf	Krekorian (D. - Dist 43)		Transportation bonds. Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B at the November 7, 2006, general election, authorizes the issuance of \$19.925 billion in general obligation bonds for various transportation and related purposes. This bill would state the intent of the Legislature to enact provisions governing project eligibility and the application process for certain of the	SENATE PRINT		

			Proposition 1B bond funds.	
AB 1209 Introduced 02/23/2007 hnm1.pdf	Kamette (D. - Dist 54)		State Air Resources Board: bond allocation criteria. Existing law creates the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 to authorize \$19.925 billion of state general obligation bonds for specified purposes. The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 requires \$3,100,000,000 of these funds to be deposited in the California Ports Infrastructure, Security, and Air Quality Improvement Account within the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006, and requires \$1,000,000,000 of these funds to be made available, upon appropriation by the Legislature, to the state board for emissions reductions, not otherwise required by law or regulation, from activities related to the movement of freight along California's trade corridors. This bill would require the state board to develop guidelines meeting specified requirements for the allocation of the \$1,000,000,000 in funding.	SENATE PRINT
AB 1227 Introduced 02/23/2007 hnm1.pdf	Gaines (R. - Dist 4)		Transportation funding: cities and counties. Proposition 1B, approved by the voters at the November 2006 general election, enacts the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, which authorizes the issuance of \$19.925 billion of general obligation bonds for various transportation purposes, including \$2 billion to be available for allocation by the Controller, pursuant to formula, to cities and counties for certain road purposes. This bill would state the intent of the Legislature to enact legislation governing the allocation and use of these funds in order to ensure that cities within a bistate compact area that are subject to intense tourism impacts and routine snow removal activities receive due attention to their needs.	SENATE PRINT
AB 1306 Introduced 02/23/2007 hnm1.pdf	Huff (R. - Dist 60)		Sales taxes on gasoline. Existing law, pursuant to Proposition 116 of 1990, an initiative act, creates the Public Transportation Account as a trust fund in the State Transportation Fund, and provides that funds shall be deposited in the account from a specified portion of the sales taxes on gasoline and diesel fuel, and that the moneys in the account shall be available for expenditure only for transportation planning and mass transportation purposes. These provisions may be amended by the Legislature only by a 2/3 vote of both houses of the Legislature and only if the amending statute is consistent with, and furthers the purposes of, the initiative act. This bill would reduce the portion of gasoline sales tax revenues that are deposited in the Public Transportation Account by eliminating what is commonly known as the "spillover" formula. The bill would thereby increase the revenues from the sales tax on gasoline that are deposited in the General Fund, and by operation of Article XIX B of the Constitution, would require those revenues to be subsequently transferred to the Transportation Investment Fund. This bill contains other existing laws.	SENATE PRINT
AB 1322 Introduced 02/23/2007 hnm1.pdf	Duvall (R. - Dist 72)		Transportation facilities: public-private partnerships. Existing law authorizes the Department of Transportation and regional transportation agencies, as defined, until January 1, 2012, to enter into up to 4 comprehensive development lease agreements with public and private entities, or consortia of those entities, for certain transportation projects that may charge certain users of those projects tolls and user fees, subject to various terms and requirements. Under these provisions, all negotiated lease agreements must be submitted to the Legislature for approval or rejection, with approval to be achieved by enactment of a statute. This bill would make nonsubstantive changes to these provisions.	SENATE PRINT
AB 1337 Introduced 02/23/2007 hnm1.pdf	Nava (D. - Dist 35)		State highway system: construction management and engineering. The California courts have interpreted the California Constitution as generally restricting the contracting of out of state activities or tasks to the private sector, if those activities or tasks may be adequately and competently performed by state employees. However, Article XXII of the California Constitution, adopted by the voters in 2000, allows the State of California to contract with qualified private entities for architectural and engineering	SENATE PRINT

			services for all public works of improvement, extending to all phases of project development including permitting and environmental studies, rights-of-way services, design phase services, and construction phase services. This bill would require employees of the department to perform the construction management and engineering for all projects on the state highway system, including inspection, quality control inspection, surveying, materials testing, and resident engineer functions.		
AB 1350 Introduced 02/23/2007 hurl pdf	Nunez (D. - Dist 46)		Transportation bond funds. Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B in the November 2006 general election, establishes the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006 in the State Treasury. Specified moneys in the fund are required to be deposited in the Transit System Safety, Security, and Disaster Response Account to be made available, upon appropriation by the Legislature, for capital projects that provide increased protection against a security and safety threat, and for capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems. This bill would state the intent of the Legislature to enact legislation that contains conditions and criteria for allocations from this account.	SENATE PRINT	
AB 1351 Introduced 02/23/2007 hurl pdf	Levine (D. - Dist 40)		Transportation: infrastructure. Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B in the November 2006 general election, establishes the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006 in the State Treasury. Specified moneys in the fund are required to be deposited in the State-Local Partnership Program Account to be available, upon appropriation by the Legislature, for allocation by the California Transportation Commission. This bill would make various findings regarding transportation infrastructure and funding in California and would state the intent of the Legislature to give priority to self-help counties that have passed local sales tax measures in the State-Local Partnership Program.	SENATE PRINT	
AB 1373 Introduced 02/23/2007 hurl pdf	Emmerson (R. - Dist 63)		Highway construction contracts: design-build method: San Bernardino Design-Build Project. Existing law makes the Department of Transportation responsible for improving and maintaining the state highway system. This bill would authorize the San Bernardino Associated Governments (SANBAG) to use a design-build procurement method for the construction of improvements to the highways that provide access to health facilities offering emergency services in San Bernardino County. This bill would make legislative findings and declarations as to the necessity of a special statute for San Bernardino County.	SENATE PRINT	
AB 1499 Introduced 02/23/2007 hurl pdf	Garrick (R. - Dist 74)		Department of Transportation: design-build contracting. Existing law makes the Department of Transportation responsible for improving and maintaining the state highway system. Under existing law, until January 1, 2010, the department is authorized to utilize design sequencing as an alternative contracting method for the design and construction of not more than 12 transportation projects. This bill would authorize the department to use the design-build procurement process for its state highway construction contracts.	SENATE PRINT	
AB 1611 Introduced 02/23/2007 hurl pdf	Nava (D. - Dist 35)		Vehicles: emergency roadside assistance. Existing law declares that the Department of the California Highway Patrol, in cooperation with the Department of Transportation, is responsible for the rapid removal of impediments to traffic on highways within the state, and that the Department of the California Highway Patrol is authorized to enter into agreements with employers of tow truck drivers or owner operators of tow trucks for freeway service patrol operations under an agreement or contract with a regional or local entity. This bill would make a technical, nonsubstantive change to that provision.	SENATE PRINT	
AB 1672 Introduced	Nunez (D. - Dist 46)		Transportation: infrastructure. Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B in the November 2006 general election, establishes the Highway Safety, Traffic	SENATE PRINT	

02/23/2007 huml.pdf		Reduction, Air Quality, and Port Security Fund of 2006 in the State Treasury. Existing law requires specified moneys in the fund to be deposited in the California Ports Infrastructure, Security, and Air Quality Improvement Account to be available upon appropriation by the Legislature, for certain purposes. Existing law requires \$2,000,000,000 to be transferred from this account to the Trade Corridors Improvement Fund and requires moneys in this fund to be made available, upon appropriation by the Legislature in the annual Budget Bill, for allocation by the California Transportation Commission for infrastructure improvements along specified trade corridors. Existing law also requires \$1,000,000,000 from this account to be made available, upon appropriation by the Legislature, to the State Air Resources Board for emission reductions, not otherwise required by law or regulation, from activities related to the movement of freight along California's trade corridors. This bill would make various findings regarding transportation infrastructure in California and would state the intent of the Legislature to advance certain goals and policies related to the purposes for these moneys in the Highway Safety, Traffic Reduction, Air Quality and Port Security Fund of 2006. This bill contains other existing laws.	
SB 9 Introduced 12/04/2006 huml.pdf	Lowenthal (D. - Dist 27)	Trade corridor improvement: transportation project selection. Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, authorizes the issuance of \$19,925,000,000 of state general obligation bonds for specified purposes, including high-priority transportation corridor improvements. This bill would set forth the intent of the Legislature to enact legislation that establishes a process for the selection of transportation projects to be funded from the Trade Corridors Improvement Fund. This bill contains other related provisions and other existing laws.	SENATE RLS.
SB 19 Introduced 12/04/2006 huml.pdf	Lowenthal (D. - Dist 27)	Trade corridors: projects to reduce emissions: funding. Existing law requires that of the proceeds of bonds issued pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, a specified amount of those deposited in the California Ports Infrastructure, Security, and Air Quality Improvement Account in the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006, be made available, upon appropriation by the Legislature and subject to the conditions and criteria contained in a statute enacted by the Legislature, to the State Air Resources Board for certain emission reductions from activities related to the movement of freight along California's trade corridors. This bill would declare the intent of the Legislature to enact legislation that establishes conditions and criteria, as specified, for projects funded under these provisions. This bill contains other related provisions.	SENATE RLS.
SB 45 Introduced 12/22/2006 huml.pdf	Perata (D. - Dist 9)	Transportation funds for capital projects and capital expenditures. Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B in the November 2006 general election, establishes the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006 in the State Treasury. Specified moneys in the fund are required to be deposited in the Transit System Safety, Security, and Disaster Response Account to be made available, upon appropriation by the Legislature, for capital projects that provide increased protection against a security and safety threat, and for capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems. This bill would state the intent of the Legislature to enact legislation that would establish the application process for allocations from the Transit System Safety, Security, and Disaster Response Account.	SENATE RLS.
SB 47 Introduced 12/22/2006 huml.pdf	Perata (D. - Dist 9)	Transportation bonds. Proposition 1B, approved by the voters at the November, 2006, general election enacts the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, which authorizes the issuance of \$19,925 billion of general obligation bonds for various transportation purposes, including \$1 billion for the State-Local Partnership Program, to be allocated by the California Transportation Commission to eligible transportation projects nominated by transportation agencies, subject to appropriation by the Legislature. Existing law requires a dollar for dollar match of local funds for projects funded with these bond funds. This bill would state the intent of	SENATE RLS.

		the Legislature to enact provisions governing project eligibility, matching fund requirements, and the application process relative to allocation of bond proceeds to the State-Local Partnership Program.		
SB 56 Introduced 01/10/2007 html pdf	Runner (R - Dist 36)	Highway construction contracts: Design-Build Demonstration Program: transportation entities. Existing law sets forth requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law also authorizes specified state agencies, cities, and counties to implement alternative procedures for the awarding of contracts on a design-build basis. Existing law, until January 1, 2011, authorizes transit operators to enter into a design-build contract, as defined, according to specified procedures. This bill would declare the intent of the Legislature to authorize a demonstration program that would allow a careful examination of the benefits and challenges of using a design-build method of procurement for transportation projects. This bill contains other related provisions and other existing laws.	SENATE T. & H.	
SB 61 Introduced 01/16/2007 html pdf	Runner (R - Dist 36)	Transportation: public-private partnerships. Existing law authorizes the Department of Transportation and regional transportation agencies, as defined, until January 1, 2012, to enter into up to 4 comprehensive development lease agreements with public and private entities, or consortia of those entities, for construction of transportation projects that are primarily designed to improve goods movement. Under these provisions, tolls or user fees may be charged to users of those transportation facilities, except that tolls or user fees may not be charged to vehicles with 3 or fewer axles. The comprehensive development lease agreements must be submitted to the Legislature for approval or rejection. This bill would enact additional similar provisions without the above restrictions. The bill would provide a revised process for nominating and selecting candidate projects. The bill would authorize the department or regional transportation agency nominating a project to pay a stipend to proposers of a project under certain conditions. In addition to authorizing the charging of tolls or user fees on transportation facilities constructed under these new provisions, the bill would also authorize the department or regional transportation agencies to enter into agreements under which a private entity constructs a transportation project that is operated without the charging of a toll or user fee, but where the private entity receives compensation in the form of a shadow toll or other type of payment. The bill would make other related changes.	SENATE T. & H.	
SB 184 Introduced 02/06/2007 html pdf	Alquist (D - Dist 13)	Transportation projects. Existing law authorizes a regional or local entity that is the sponsor of, or is eligible to receive funding for, a project contained in the state transportation improvement program to expend its own funds for any component of a project within its jurisdiction that is included in an adopted state transportation improvement program, and for which the commission has not made an allocation. Existing law requires these expenditures to be reimbursed by the state, under specified conditions. Existing law limits these provisions to projects advanced for expenditures by an eligible local or regional entity within the 12 months preceding the date the project would otherwise be allocated funding by the commission. This bill would instead limit these provisions to projects advanced for expenditure by an eligible local or regional entity that are programmed in the current fiscal year of the state transportation improvement program, and would make other related changes to authorize future reimbursement allocations.	SENATE T. & H.	
SB 262 Introduced 02/14/2007 html pdf	Runner (R - Dist 36)	Transportation : trade corridors improvement. Proposition 1B, approved by the voters at the November, 2006, general election enacts the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, which authorizes the issuance of \$19.925 billion of general obligation bonds for various transportation purposes, including \$2 billion to be deposited in the Trade Corridors Infrastructure Fund in the California Ports Infrastructure, Security, and Air Quality Improvement Account to be available, upon appropriation by the Legislature, for allocation by the California Transportation Commission to highway system and freight rail system improvements along federally designated trade corridors of	SENATE T. & H.	

			national significance. This bill would require the commission, when allocating these funds to projects, to consider the impact of a project on goods movement and port operations in the Southern California region and the potential of a project to benefit the inland port concept in order to relieve congestion at and in the vicinity of the Port of Los Angeles and the Port of Long Beach.		
SB 286 Introduced 02/15/2007 html pdf	Dutton (R - Dist 63)	Transportation bonds: implementation. Proposition 1B, approved by the voters at the November 2006, general election, enacts the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, which authorizes the issuance of \$19.925 billion of general obligation bonds for various transportation purposes, including \$2 billion to be allocated by the Controller to cities and counties, by formula, for local street and road purposes, subject to appropriation by the Legislature. This bill would require the bond funds for local street and road purposes to be allocated by the Controller in 2 cycles that cover 4 years, with the 1st cycle of payments to be made to eligible local agencies not later than January 1, 2008, and the 2nd cycle of payments to be made not later than January 1, 2010, as specified. The bill would also require the Controller to use the population figures from the Department of Finance as of January 1, 2007, in making allocations to cities. The bill would make other related changes.	SENATE T. & H.		
SB 307 Introduced 02/16/2007 html pdf	Dutton (R - Dist 63)	Goods movement. The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, authorizes the issuance of \$19.925 billion of general obligation bonds for various transportation purposes, including \$2 billion to be deposited in the Trade Corridors Infrastructure Fund in the California Ports Infrastructure, Security, and Air Quality Improvement Account to be available, upon appropriation by the Legislature, for allocation by the California Transportation Commission to highway system and freight rail system improvements along federally designated trade corridors of national significance. In determining projects eligible for funding, the commission is required to consult the Goods Movement Action Plan prepared by the Business, Transportation and Housing Agency and the California Environmental Protection Agency. This bill would state the intent of the Legislature to incorporate the Southern California National Freight Gateway Strategy into the Goods Movement Action Plan.	SENATE RLS.		
SB 445 Introduced 02/21/2007 html pdf	Torlakson (D - Dist 7)	Road User Task Force. Existing law provides various sources of revenue to fund state highway and local road maintenance, operation, and improvement, including a state-imposed per-gallon fuel tax of 18 cents. This bill would create the Road User Task Force, with 11 members appointed by the Legislature, Governor, California Transportation Commission, and city and county organizations. The bill would require the task force to hold at least 3 public hearings around the state and to report to the Legislature and Governor by January 1, 2009, on alternatives to the current system of taxing road users through per-gallon fuel taxes. The bill would make legislative findings and declarations in that regard.	SENATE T. & H.		
SB 540 Introduced 02/22/2007 html pdf	Harman (R - Dist 35)	Sales and use taxes: exemption: fuel taxes. The Sales and Use Tax Law imposes a state sales and use tax on the gross receipts from the sale of tangible personal property sold at retail in this state or on the sales price of tangible personal property purchased from a retailer for the storage, use, or other consumption of that property in this state by the purchaser. This bill would provide, for purposes of that law, that the terms "sales price" and "gross receipts" do not include the amount of any state and federal fuel taxes, as specified. This bill contains other related provisions and other existing laws.	SENATE REV. & TAX		
SB 640 Introduced 02/22/2007 html pdf	Simitan (D - Dist 11)	Circulation and transportation element. Existing law requires a general plan to include a statement of development policies and, among other elements, a circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan. This bill would rename the circulation element the circulation and transportation element and make other technical and conforming changes.	SENATE L. GOV.		

SB 716 Introduced 02/23/2007 html pdf	Perata (D. - Dist 9)	<p>Transit operators. Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B in the November 2006 general election, establishes the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006 in the State Treasury. Specified moneys in the fund are required to be deposited in the Public Transportation Modernization, Improvement, and Service Enhancement Account to be made available, upon appropriation by the Legislature, to the Department of Transportation for certain transportation projects. This bill would state the intent of the Legislature to establish the process through which transit operators may apply for an allocation of funds from the Public Transportation Modernization, Improvement, and Service Enhancement Account.</p>	SENATE RLS.
SB 717 Introduced 02/23/2007 html pdf	Perata (D. - Dist 9)	<p>Transportation Investment Fund. Existing law specifies the allocation of funds in the Transportation Investment Fund, derived from a portion of the sales tax on gasoline, to various transportation projects and programs. Article XIX B of the California Constitution requires, commencing with the 2003-04 fiscal year, that sales taxes on motor vehicle fuel that are deposited into the General Fund be transferred to the Transportation Investment Fund for allocation for those transportation purposes until the end of the 2007-08 fiscal year. Thereafter, Article XIX B requires these revenues to be allocated to broad categories of transportation purposes, including 20% for programs funded by the Public Transportation Account, 40% for transportation capital improvement projects in the State Transportation Improvement Program, and 40% for transportation to cities and counties pursuant to certain formulas for road maintenance and construction purposes. This bill would continue the Transportation Investment Fund in existence and would specify the use of revenues deposited in that fund from gasoline sales tax revenues subject to Article XIX B beginning in the 2008-09 fiscal year.</p>	SENATE T. & H.
SB 745 Introduced 02/23/2007 html pdf	Oropeza (D. - Dist 28)	<p>Transportation funding: part security. Proposition 1B, approved by the voters at the November, 2006, general election, enacts the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, which authorizes the issuance of \$19.925 billion of general obligation bonds for various transportation purposes, including \$100,000,000 for allocation by the Office of Emergency Services (OES) for port, harbor, and ferry terminal security improvements. This bill would state the intent of the Legislature to require OES to develop criteria for allocating these bond funds, based on certain factors.</p>	SENATE RLS.
SB 748 Introduced 02/23/2007 html pdf	Corbett (D. - Dist 18)	<p>Transportation: state-local partnerships. Proposition 1B, approved by the voters at the November 2006, general election enacts the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, which authorizes the issuance of \$19.925 billion of general obligation bonds for various transportation purposes, including \$1 billion for the State-Local Partnership Program, to be allocated by the California Transportation Commission to eligible transportation projects nominated by transportation agencies, subject to appropriation by the Legislature. Existing law requires a dollar-for-dollar match of local funds for projects funded with these bond funds. This bill would state the purposes of the State-Local Partnership Program and would require the California Transportation Commission to adopt guidelines for the program.</p>	SENATE T. & H.
SB 779 Introduced 02/23/2007 html pdf	Dutton (R. - Dist 63)	<p>Transportation: statewide system of freeways and expressways. Existing law establishes the Department of Transportation and provides it with full possession and control of all state highways. Existing law establishes the California Freeway and Expressway System, consisting of specified highways, and the Legislature has declared it to be essential to establish and construct a statewide system of freeways and expressways. This bill would make nonsubstantive changes to this provision expressing the Legislature's intent regarding the state system of freeways and expressways.</p>	SENATE RLS.

SB 803 Introduced 02/23/2007 hurl.pdf	Lowenthal (D. - Dist 27)	<p>Transportation enhancement funds: community conservation corps. Existing law states the intent of the Legislature to allocate \$10,000,000 annually to the Environmental Enhancement and Mitigation Program Fund for certain categories of transportation enhancement projects. Existing federal law, as part of the comprehensive surface transportation program, allocates transportation funds to each state for transportation enhancement projects. This bill, with respect to federal funds made available to the state for transportation enhancement projects, would require transportation planning agencies, county transportation commissions or authorities, and congestion management agencies to adopt criteria that give priority in the selection of these projects to the sponsors of eligible projects that partner with, or commit to employ the services of, a community conservation corps, as defined, or the California Conservation Corps to construct or undertake the project. The bill would provide that a community conservation corps or the California Conservation Corps is eligible to apply for project funds. The bill would authorize these agencies and the Department of Transportation to enter into cooperative agreements, grant agreements, or procurement contracts with community conservation corps pursuant to certain simplified contract requirements. The bill would require the California Transportation Commission, when developing guidelines for the state transportation improvement program and the state highway operations and protection program, to include guidance to encourage the allocation of funds for transportation enhancement projects to community conservation corps and the California Conservation Corps, either as applicants or as partners with applicants. The bill would make related legislative findings and declarations.</p>	SENATE T. & H.
SB 872 Introduced 02/23/2007 hurl.pdf	Ackerman (R. - Dist 33)	<p>State-Local Partnership Program. Existing law provides various sources of funding for transportation capital projects. Proposition 1B, approved by the voters at the November 7, 2006, statewide general election, enacts the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, which authorizes the issuance of \$19.925 billion of general obligation bonds for various transportation purposes, including \$1 billion for the State-Local Partnership Program Account, to be allocated by the California Transportation Commission over a 5-year period to eligible transportation projects nominated by transportation agencies, subject to appropriation by the Legislature. This bill would create the State-Local Partnership Program and state the intent of the Legislature to appropriate \$200,000,000 per year for 5 years beginning in the 2010-11 fiscal year. The bill would provide for allocation of state funds to eligible highway and mass transit guideway projects nominated by local agencies that are to be funded with at least 50% of local funds derived from a locally imposed transportation sales tax. The bill would specify the process for applying for, receiving, and expending these funds. The bill would state the intent of the Legislature in that regard.</p>	SENATE PRINT
SB 947 Introduced 02/23/2007 hurl.pdf	Hollingsworth (R. - Dist 36)	<p>California Environmental Quality Act: Caltrans: rights-of-way. The California Environmental Quality Act (CEQA) requires a lead agency to prepare an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, unless the project is exempt from the act. This bill would exempt from those CEQA requirements the expansion of an existing overpass, on-ramp, or off-ramp that is built on an easement or right-of-way under the control of a state or local transportation agency, or a city, county, or city and county. By imposing new duties on local governments with respect to determining whether that exemption is applicable to specified highway expansion projects, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p>	SENATE PRINT
SB 974 Introduced 02/23/2007 hurl.pdf	Lowenthal (D. - Dist 27)	<p>Ports: congestion relief: environmental mitigation: regulatory fee. Existing law regulates the operation of ports and harbors. This bill would require the Ports of Los Angeles, Long Beach, and Oakland to collect a user fee on the owner of container cargo moving through the Port of Los Angeles, the Port of Long Beach, or the Port of Oakland at a rate of \$30 per twenty-foot equivalent unit (TEU). This bill contains other related provisions and other existing laws.</p>	SENATE PRINT
SCR 16	Negrete	Gary Moon Memorial Highway.	SENATE T. & H.

Introduced 02/20/2007 hmul pdf	McLeod (D. - Dist 32)	This measure would designate a portion of State Highway Route 30 at Interstate 215, the Gary Moon Memorial Highway. The measure would request the Department of Transportation to determine the cost for appropriate signs showing this designation and, upon receiving donations from nonstate sources covering that cost, to erect those signs.		
Total Position Forms: 48				

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 28

Date: April 4, 2007

Subject: SANBAG Advocacy Trip to Washington, D.C. - 2007

Recommendation:* Receive report on Washington DC Advocacy Trip.

Background: In November 2006, board members voiced a desire for SANBAG staff to coordinate an advocacy trip for board members to advocate on behalf of SANBAG in Washington, D.C. The goal of this outreach effort was to convey our short term legislative strategy (federal funding for critical projects within San Bernardino County via the annual appropriations process), our long term legislative strategy (key issues to consider for the next transportation reauthorization process), and other timely issues of concern (specifically, the Goods Movement Memorandum of Understanding).

The trip, which is scheduled to occur March 25 through March 28, will be attended by Supervisor Dennis Hansberger (SANBAG President), Barstow Mayor Lawrence Dale (SANBAG Vice President), Redlands Mayor Pro Tem Pat Gilbreath (Chair of SANBAG's Commuter Rail Committee), and Apple Valley Mayor Rick Roelle (Chair of SANBAG's Mountain/Desert Committee) and Fontana Mayor Mark Nuaimi (Vice Chair of Plans and Programs).

The purpose of this agenda item is to highlight key issues and observations gained from the 2007 SANBAG Advocacy Trip to Washington, D.C. Talking points shared with are Congressional Delegation are attached.

Approved
Administrative Committee

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

SANBAG Board Agenda Item
April 4, 2007
Page 2

Financial Impact: The recommended action is consistent with the SANBAG 2006-2007 Fiscal Year Budget. Future year contract costs will be budgeted as necessary in future year budgets. TN50307000

Reviewed By: This item was reviewed by the Administrative Committee on March 14, 2007.
(Meeting Chaired by Lawrence Dale)

Responsible Staff: Jennifer Franco, Director of Intergovernmental and Legislative Affairs

Talking Points for the SANBAG D.C. Advocacy Trip - 2007

The San Bernardino region is a fast-growing nexus for trade and commerce, attracting new business and residential opportunities. Based on annual estimates, the freight moved through the region is valued at \$200 billion, supporting 2 million jobs, and generating \$16.4 billion in state and local taxes.

Transportation is at the heart of economic growth and quality of life issues in the region. The regional freeway and railway systems within the region, already severely congested, are insufficient to meet today's needs without continued investment for transportation infrastructure. While we appreciate the recognition SAFETEA-LU provided to this region, we ask for continued support to expand our highways and railways.

Additionally, your leadership in four key areas can help us implement an efficient means to bring forth project delivery: goods movement, environmental quality, transportation finance and focus projects for FY2008.

Goods Movement

The Ports of L.A. and Long Beach will be the nation's key western portal as freight traffic. *Together, they process 44% of all the imported goods entering the Nation, with only 30% of these goods being consumed within the region and 70% being distributed primarily by truck and rail nation-wide and to Europe.*

Key Objectives for Goods Movement:

1. Safeguard guarantees provided by SAFETEA-LU. Project Delivery requires a stable and reliable funding source.
2. Support the Southern California Goods Movement Memorandum of Understanding (MOU). This MOU establishes a process to foster increased cooperation – between federal, state and local entities and the business community – and collaboration for goods movement projects.

The purpose of the Southern California National Freight Gateway Strategy Framework Process, and the MOU providing for it, as initially proposed by the County Transportation Commissions is to facilitate and provide “shared leadership”, by the Principal Conveners, for the expeditious development and implementation of system-wide improvements and programs to accommodate future freight movement, including the mitigation of adverse community and environmental effects and impacts within the Southern California National Freight Gateway Area.

Environmental Quality

San Bernardino County residents subsidize the nation's economy with their health, their time, and their quality of life. The Ports of L.A. and Long Beach are the nation's second busiest and bear the brunt of burgeoning globalization. San Bernardino County's highways serve as a major trade route (i.e. “throughput”) for freight destined for other parts of the country.

Key Objectives for Environmental Quality:

Continued efforts to streamline the environmental process, decrease the review process of the environmental documents and even promote exemptions to the National Environmental Protection Act, when reasonable will assist with project delivery.

Transportation Finance

The private sector has a strong financial interest in the efficiency of our nation's transportation network. The movement of goods and people translates into economic vitality. The private sector can be a powerful partner with the public, working together to solve common challenges.

Key Objective for Transportation Finance:

1. Support efforts to provide incentives for public-private investments for transportation infrastructure. Private-public investment in infrastructure can provide a reliable funding source for major transportation infrastructure projects that with a public benefit. Incentives for such investments may include tax credits, private activity bonds and TIFIA loans for pre-construction.
2. Support innovative financing tools such as tax credits, private activity bonds, TIFIA loans, and financial other mechanisms. These financial mechanisms would be offered to private firms seeking to invest in public transportation projects.

Tax Credits. Tax Credit Equity financing allows for investors to contribute up-front capital to fund a portion of a project's cost and, in return, receive annual tax credits. The project sponsor would make matching contributions to fund the remaining costs. Tax credit equity financing could be structured similarly to the New Markets Tax Credit program (NMTC), but potentially at a longer and deeper level for goods movement projects—NMTC was established by the community Renewal Tax Relief Act of 2000 to stimulate equity investment in the economic development of low-income communities.

Private Activity Bonds. Tax-credit bonds provide borrowers/project sponsors a substantially deeper subsidy than even tax-exempt bonds. In this program, project sponsors would be responsible for only the principal portion of the debt (backed by project generated revenues). The U.S. Treasury would pay the “interest” portion of the debt through federal income tax credits.

Expand the TIFIA Program. Under SAFETEA-LU, eligibility provisions for the Transportation Infrastructure Finance and Innovation Act (TIFIA) were clarified and expanded to better facilitate public-private-partnerships efforts. Nevertheless, further assistance must be made available for early stage project development (e.g. potentially direct TIFIA loans to advance projects to at least 30% design completion). Federal assistance during the initial phases of project development can induce private sector co-investment and further bridge the gap toward accessing already existing innovative financing instruments.

Other Mechanisms. Container fees and U.S. Custom fees can create a revenue stream for projects specifically intended to facilitate and increase freight movement from the ports of Los Angeles and Long Beach through the Inland Empire. San Bernardino County is a major “throughput” for freight movement and transportation infrastructure is crucial to support the anticipated increases of containers moving through the region.

3. Protect current funding levels for the Congestion Mitigation and Air Quality Improvement Program (CMAQ).

The Congestion Mitigation and Air Quality Improvement Program (CMAQ) provides funding for projects and programs in air quality nonattainment and maintenance areas for ozone, carbon monoxide (CO), and particulate matter (PM-10, PM-2.5) which reduce transportation related emissions. Funds are apportioned according to a formula based on population and severity of pollution in ozone and carbon monoxide areas, similar to the formula under TEA-21, but weighting factors have been revised. In SAFETEA-LU, PM 2.5 was not added to the formula as one of the CMAQ weighing factors; however, EPA's revocation of the 1-hour ozone standard on June 15, 2005, may have an impact on this formula in the future. Additionally, a more concerted effort to utilize these funds for diesel retrofits is becoming a reality. While we applaud the efforts to retrofit engines, congestion mitigation must remain as a high priority.

SANBAG's Focus Projects for FY2008

Project delivery is dependent upon a reliable funding source. Projects listed below will provide funding for projects considered as part of an interlinking corridor for highway and mass transit commuters.

Congressional District	Project Name	Amount Requested
Baca	I-10 Corridor: Cherry Avenue/I-10 Freeway Interchange	\$3 million
Baca	San Bernardino Rapid Bus Project (sbX)	\$4 million
Baca	Rialto Metrolink Parking Lot Expansion	\$700,000
Dreier	I-15 Corridor: Base Line/I-15 Interchange	\$1.5 million
Lewis	Needles Highway	\$10 million
Lewis/McKeon	I-15 Corridor: La Mesa Nisqualli/I-15 Interchange	\$5 million
Lewis/McKeon	I-15 Corridor: Eucalyptus/I-15 Interchange	\$2 million
McKeon	HDC: Development and Interchange, Phase I	\$5 million
McKeon	Victor Valley Transit Facility	\$3 million

Public Lands Highway Discretionary Program

Needles Highway

\$10 million – (Lewis)

Needles Highway is primarily a two-lane rural highway that runs north and south between the City of Needles and Laughlin, Nevada. Improvements to the highway are necessary for improved motorist safety, to reduce road flooding and wash-outs. Previously the State of Nevada had allocated \$14 million to the project, \$7 million of which is to be spent on the California segments. Because of increased project costs, NDOT rescinded the \$7 million that was programmed for the California side to fund construction on the Nevada side of the highway. Discussions with Nevada are taking place to reprogram the Nevada contributions to the project. SANBAG has allocated \$2,478,840 of Surface Transportation Program formula funds to the project, and the project has received \$5,834,701 in allocation of Public Lands and Highways funds. The project is included in the SANBAG Comprehensive Transportation Plan. The project cost is estimated at \$60 million.

Est. Total Project Cost:	\$60 million
Federal Funding:	
Surface Transportation Program	\$2,478,840
Public Lands	\$5,834,701

Interstate Maintenance Program

I-10 Corridor: Cherry Avenue/Interstate 10 Freeway Interchange

\$3 million (Baca)

This request is for federal funds in the amount of \$3 million to partially fund construction costs to replace the Cherry Avenue/Interstate 10 interchange. This interchange currently has the single greatest amount of vehicular delay of any interchange within the 43rd Congressional District and is the primary interchange from the I-10

serving heavy industrial areas of Fontana, Ontario, San Bernardino County, several high volume truck stops and the California Speedway. SANBAG's "Nexus Study," the fair share contributions from new development has identified \$12,353,000 in development mitigation funds for this project.

Est. Total Project Cost: \$59,462,000

I-15 Corridor: Base Line Road/Interstate 15 Interchange

\$1.5 million (Dreier)

The Base Line Road /I-15 interchange is located just North of I-15/Foothill Blvd. interchange – the most congested segment of I-15 between I-10 and Las Vegas. Current planned improvements include two new bridge structures for the southbound on/off ramps and constructing a loop ramp for westbound Base Line Road to southbound I-15. The project includes the replacement of the existing East Avenue overhead structure located north of the interchange, widening Base Line Road to provide two left turn lanes for eastbound Base Line to the northbound I-15. The total estimated project cost is \$25.9 million, which includes \$18.9 million in project costs without right-of-way acquisition.

Est. Total Project Cost: \$25.9 million

Federal Funds:

2006 Federal Appropriations \$500,000

I-15 Corridor: La Mesa/Nisqualli/Interstate 15 Interchange

\$5 million (Lewis/McKeon)

This project connects La Mesa Road and Nisqualli Road by constructing an over-crossing and interchange connection to Interstate 15 at what has become the urban/commercial core of the Victor Valley and provide an improved east-west corridor from the Town of Apple Valley. The interchange will serve as a conduit across the freeway and help disperse traffic from existing interchanges at Bear Valley Road and Palmdale Road that were not constructed to accommodate the massive population growth and commercial development that has occurred in the Victor Valley in past decade. SANBAG's "Nexus Study," a study to determine the fair share contributions from new development, identified \$25 million in development mitigation funds for the project.

Est. Project Total: \$72 million

Federal Funding:

Demo \$1,200,000

RSTP \$3,800,000

Section 115 \$ 250,000

I-15 Corridor: Eucalyptus Road/Interstate 15 Interchange

\$2 Million (Lewis/McKeon)

This project provides an important new interchange with Interstate 15. Currently, the interchanges at Main Street and Bear Valley Road, separated by four miles, are the only interchanges that serve the City of Hesperia, which also support travel into the City of Victorville. The lack of access for this rapidly growing area causes massive congestion not only on Main Street and Bear Valley Road, but traffic also backs up on Interstate 15 while trying to exit the freeway, creating unsafe driving conditions on the freeway. A Project Study Report (PSR) was completed in 2004. No project development activities have occurred beyond the PSR, due to lack of funding. Project cost is currently estimated to be \$40 million. SANBAG's "Nexus Study," the fair share contributions from new development, identified \$22,960,000 in development mitigation funds for the project.

Est. Total Project Cost: \$40 million

High Desert Corridor (HDC): Development and Interchange Improvements (Phase I)

\$5 million (Lewis/McKeon)

The Antelope and Victor Valleys continue to experience explosive population growth, deficient highway infrastructure, and impacts from truck related goods movement that bypass the Los Angeles area's more congested freeways. The HDC first received funding in TEA21 for the section between U.S. 395 in Adelanto and State Route (SR) 18 in Apple Valley.

SAFETEA-LU designated a portion of HDC as E-220; however no funding accompanied the designation. Most of the route identified as E-220 falls outside of HDC, Phase I. It is important to distinguish between the phases when considering funding for the project.

HDC, Phase I, is the first segment of a new highway linking the Victor Valley in San Bernardino County with the Antelope Valley in Los Angeles County. This project will provide new freeway access from the I-15 freeway to U.S. 395 and will provide new highway access to Southern California Logistics Airport (formerly George Air Force Base).

This project will enhance plans to expand the multi-modal capability for goods movement, with the added benefit of ultimately creating 10,000 jobs. The project is currently estimated to cost \$900 million to construct from US-395 in Adelanto to SR-18 in Apple Valley. The project is currently in the Project Approval & Environmental Document phase. It is anticipated that PA& ED will be complete in late 2008.

SANBAG requests \$5 million for costs associated with planning and design implementation for Phase I. Local match from Apple Valley/Victorville for Federal Funds have been received in the amount of \$2,460,000. SANBAG's "Nexus Study," a study to determine the fair share contributions from new development, identified \$38,220,000 in development mitigation funds for this project.

Est. Total Project Cost:	\$900 million
Federal Funding:	
TEA-21 (Lewis)	\$7,500,000 – Phase I
SAFETEA-LU (Lewis)	\$4,000,000 – Phase I
SAFETEA-LU (McKeon)	\$800,000 – Phase II
2005 Federal Appropriations (Lewis)	\$3,000,000 – Phase I
2006 Public Lands (FHWA)	\$2,000,000 – Phase I

Transit Program

Victor Valley Transit Facility

\$3 million (McKeon)

The Victor Valley Transit Authority completed a Facility Master Plan in October 2004. As a result of that study the Authority has purchased a 15 acre site within the City of Victorville for the construction of a new facility to house administration, maintenance and operations functions. This new facility will replace the existing administration, maintenance and operations facility provided through a lease by the contract operator. The total amount being sought is \$30 million over multiple years, \$5 million of which is requested for FY2007.

The new facility will be designed to accommodate an anticipated fleet of 145 vehicles in 2020. The Authority will be seeking a LEED (Leadership in Energy and Environmental Design) rating of Silver for the new facility design. Requested appropriation amount of \$30 million from FTA 5309 Bus/Bus Facilities.

San Bernardino Rapid Bus Project (sbX)

\$4 million (Baca)

This new high-tech, user-friendly system, known as sbX, will offer more frequent service, fewer stops, and higher average speeds than traditional bus service. It uses advanced vehicles that can run on existing roadways in mixed traffic or on exclusive transit lanes.

The E Street Corridor, in the City of San Bernardino, has been selected by Omnitrans as the first corridor in the San Bernardino Valley to receive sbX service. The corridor extends from Loma Linda on the south, through downtown San Bernardino, to California State University San Bernardino on the north. The adopted alignment is 16 miles long and the daily ridership is estimated at 14,000, compared to fewer than 4,000 daily passenger boardings today. The end-to-end travel time for the sbX service is estimated at 40.2 minutes, versus 69 minutes for regular bus service today. The Corridor supports about 121,000 people and more than 71,000 jobs.

Rialto Metrolink Parking Lot

\$700,000 (Baca)

The existing multi-modal facility, located on Palm Ave., provides bike racks, bike lockers, a bus stop and parking lot to serve the 170 foot long platform. Parking is currently utilized at 110% of capacity, resulting in potential rider frustration and limiting ridership increases. The project is a multi-phase project that would eventually expand the parking lot from 222 parking spaces (214 regular and 8 handicapped) to 900 spaces to accommodate projected ridership through 2030.

The City of Rialto has begun planning for Phase II of the project which is expected to create approximately 500 of the 900 total spaces at the transit facility. Phase II is anticipated to cost approximately \$15 million from project commencement to construction. For this phase, the City of Rialto has \$4 million committed and is requesting \$700,000 to be used for PS&E. Previous federal funding that has been received on this project is as follows:

FY2006 FTA 5307	\$ 2,400,000
FY2007 FTA 5307	\$ 800,000
FY2006 LTF	\$ 600,000
FY2007 LTF	\$ 200,000

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 29

Date: April 4, 2007

Subject: Environmental Streamlining – Potential Legislative Matters Concerning the National Environmental Protection Act (NEPA).

Recommendation:* Review report and support legislative efforts to provide for environmental streamlining for NEPA.

Background: At the SANBAG board meeting in February 2007, the Board directed SANBAG staff to review the NEPA process and suggest a course of action to exempt new highway lanes and interchanges on existing right-of-way (ROW) from the NEPA process, a federal environmental review process for infrastructure projects.

One possible course of action is to seek amendments to NEPA categorical exclusions (CE). Unlike the California Environmental Quality Act, NEPA does not have projects that are “statutory exemptions”. Within CEQA primarily in Public Resources Code section 21080 (b) are a series of projects that are exempt from CEQA; a similar provision is not afforded within NEPA. Congress through special legislation will exempt certain projects from NEPA, such as the Alaska Pipeline, but nothing that is administrative pertaining to transportation.

When this item was heard during SANBAG’s Administrative Committee, it was suggested a generic timeline would be helpful in identifying key areas where the process is not working in a timely manner. However, since each project is unique it is difficult to provide a timeline. In an effort to further discussion on this topic, the information below provides a brief description on what the NEPA process entails.

Approved
Administrative Committee

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

The NEPA Process

The NEPA process consists of an evaluation of the environmental effects of a federal undertaking including its alternatives. There are three levels of analysis depending on whether or not an undertaking could significantly affect the environment. These three levels include: categorical exclusion determination; preparation of an environmental assessment/finding of no significant impact (EA/FONSI); and preparation of an environmental impact statement (EIS).

At the first level, an undertaking may be categorically excluded from a detailed environmental analysis if it meets certain criteria which a federal agency has previously determined as having no significant environmental impact. Currently, for SANBAG's purposes, projects that have received federal money must undergo the NEPA process.

At the second level of analysis, SANBAG prepares a written environmental assessment (EA), for SANBAG-lead projects, to determine whether or not a federal undertaking would significantly affect the environment. If the answer is no, SANBAG issues a finding of no significant impact (FONSI). The FONSI may address measures which an agency will take to reduce (mitigate) potentially significant impacts.

If the EA determines that the environmental consequences of a proposed federal undertaking may be significant, an EIS is prepared. An EIS is a more detailed evaluation of the proposed action and alternatives. The public, other federal agencies and outside parties may provide input into the preparation of an EIS and then comment on the draft EIS when it is completed.

If SANBAG anticipates that an undertaking may significantly impact the environment, or if a project is environmentally controversial, SANBAG has the option to prepare an EIS without having to first prepare an EA.

After a final EIS is prepared and at the time of its decision, a federal agency will prepare a public record of its decision addressing how the findings of the EIS, including consideration of alternatives, were incorporated into the agency's decision-making process.

Financial Impact: No impact on SANBAG Budget for FY06-07; potential gains or losses may be experienced depending on outcome of legislative proposals. If the board approves of an aggressive campaign to research, propose and advocate a targeted strategy for environmental reform, an additional staff member with an expertise in the NEPA process is recommended, which could impact the future SANBAG budget for FY07-08.

Reviewed By: This item was reviewed by the Administrative Committee on March 14, 2007 (*Meeting Chaired by Lawrence Dale*).

Responsible Staff: Jennifer Franco, Director of Intergovernmental and Legislative Affairs
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- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 30

Date: April 4, 2007

Subject: Colton Crossing – Memorandum of Understanding (MOU) between Union Pacific Railroad Company (UP), BNSF Railway Company (BNSF) and San Bernardino Associated Governments (SANBAG)

Recommendation: * Approve the Colton Crossing MOU No. C07205 between UP, BNSF and SANBAG (the parties) memorializing the working relationship and the management framework for the Colton Crossing Project (project).

Background: In 1999 Caltrans, in collaboration with SANBAG, the Riverside County Transportation Commission, Burlington Northern Santa Fe (BNSF) and Union Pacific (UP), prepared a Project Study Report (PSR) for the Colton Crossing Grade Separation project. In 2005, in recognition that State funds might be available for preliminary engineering and an environmental document Caltrans along with the other entities prepared Supplemental PSR for this project. The Supplemental was approved in January 2006. Caltrans and California Transportation Commission (CTC) in consultation with SANBAG included \$2.2 million of Interregional Transportation Improvement Program (ITIP) funds in the 2006 State Transportation Improvement Program to fund preliminary engineering and environmental document development. The CTC, at its' October 2006 meeting, "voted" the \$2.2 million to SANBAG to act as lead agency for these efforts.

On May 3rd 2006 SANBAG Board of Directors approved SANBAG as lead agency for the project; this action was followed on December 6th 2006 by SANBAG Board of Directors approving authorization to release a Request for

Approved
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed:

Qualifications for Preliminary Engineering and Environmental Document for the project. SANBAG involved BNSF and UP in the consultant selection process during which the parties realized that due to project activities performed in railroad right of way, railroad operations may be impacted. It was apparent that an agreement establishing the general management guidelines for the project was needed resulting in the parties meeting in early February 2007 to discuss the framework for an MOU (draft attached).

The MOU recognizes SANBAG as the project's lead agency and provides for the responsibilities of the parties. It establishes the intent of the project scope both in terms of project purpose and cost. Incorporated within the MOU are general guidelines for SANBAG's consultant relating to project management, project deliverables and access to railroad right of way. The MOU will help facilitate the management function of the project and allow the stakeholders to be actively involved while ensuring streamlined project execution.

Financial Impact: This action, by itself, imposes no financial impact.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Major Projects Committee on March 15, 2007. *(Meeting chaired by Grace Vargas)*

Responsible Staff: Darren Kettle, Director of Freeway Construction

SANBAG Contract No. C07205

by and between

San Bernardino County Transportation Authority

and

Memorandum of Understanding with BNSF and UPPR

for

Colton Crossing PA/ED

FOR ACCOUNTING PURPOSES ONLY												
<input type="checkbox"/> Payable <input type="checkbox"/> Receivable	Vendor Contract # _____ Vendor ID _____	Retention: <input type="checkbox"/> Yes _____ % <input type="checkbox"/> No	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment									
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Contingency Amount requires specific authorization by Task Manager prior to release.												
Contract TOTAL →				\$ _____								
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Original Board Approved Contract Date: <u>Apr. 04, 2007</u> Contract Start: <u>May 04, 2007</u> Contract End: <u>May 04, 2009</u> New Amend. Approval (Board) Date: _____ Amend. Start: _____ Amend. End: _____												
If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:												
Approved Budget Authority →	Fiscal Year: _____ \$ _____	Future Fiscal Year(s) – Unbudgeted Obligation → \$ _____										
Is this consistent with the adopted budget? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, which Task includes budget authority? <u>879</u> If no, has the budget amendment been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No												
CONTRACT MANAGEMENT												
Please mark an "X" next to all that apply:												
<input type="checkbox"/> Intergovernmental <input checked="" type="checkbox"/> Private <input type="checkbox"/> Non-Local <input type="checkbox"/> Local <input type="checkbox"/> Partly Local												
Disadvantaged Business Enterprise: <input type="checkbox"/> No <input type="checkbox"/> Yes _____ %												
Task Manager: <u>Darren Kettle</u>			Contract Manager: <u>Artis Childs</u>									

[Signature] 3-8-07
Task Manager Signature Date

[Signature] 08MAR07
Contract Manager Signature Date

[Signature] 3/24/07
Chief Financial Officer Signature Date

**MEMORANDUM OF UNDERSTANDING
BETWEEN UNION PACIFIC RAILROAD COMPANY,
BNSF RAILWAY COMPANY
AND
SAN BERNARDINO ASSOCIATED GOVERNMENTS**

RECITALS

- A. The Union Pacific Railroad Company ("UPRR") owns and operates a line of railroad in and through the City of Colton, County of San Bernardino, State of California.
- B. The BNSF Railway Company ("BNSF") also owns and operates a line of railroad in and through the City of Colton, County of San Bernardino, State of California.
- C. UPRR's mainline tracks cross BNSF's mainline tracks at an existing at-grade crossing known as the Colton Grade Crossing.
- D. The Colton Grade Crossing has been identified in several previous studies as a major choke point that adversely impacts rail freight and has delayed implementation of additional passenger rail improvements.
- E. The San Bernardino Associated Governments ("SANBAG"), in cooperation with UPRR, BNSF and other public agencies, will be the lead agency in connection with the preparation of a Project Report and Environmental Document for a proposed Colton Crossing Grade Separation consisting of raising the east-west UPRR tracks over the north-south BNSF mainline tracks between Rancho Avenue and Mt. Vernon Avenue south of Interstate 10 in the City of Colton (the "Project").

UNDERSTANDINGS OF THE PARTIES

1. **PREPARATION OF REPORT**

SANBAG will supervise the preparation of the Project Report ("PR") and Environmental Document ("ED") at no cost to UPRR and BNSF. The PR will consist of a preliminary engineering document and such environmental reports and findings as are necessary to comply with state and federal requirements. It is the assumption of the parties that the ED will conform to all CEQA and/or NEPA requirements and will enable SANBAG or such other approving agency to approve the Project, subject to acceptable mitigation requirements, if any.

A Project Development Team ("PDT") will be formed for the purpose of meeting monthly or more often as needed. The PDT will consist of

representatives from each railroad, the Consultant, and from state and local agencies as SANBAG shall determine. PDT meetings will allow Project stakeholders to be informed of Project progress and issues. Project stakeholders will be encouraged to provide input to project management that ultimately leads to the successful completion of the PR and the ED.

2. INTERIM DRAFTS AND PROGRESS REPORTS

SANBAG will provide interim drafts and progress reports to UPRR and BNSF as the PR and the ED are being prepared. UPRR and BNSF shall review the interim reports and provide such input as they deem appropriate, as provided in paragraph 8 below.

3. PURPOSE OF PROJECT

The parties understand that the purpose of the Project is to:

- Eliminate delays and associated costs of train waits due to conflicting train movements at the existing at-grade crossing;
- Improve the free flow of passenger trains;
- Accommodate future increases in both freight and passenger rail traffic at this location;
- Discourage the future diversion of rail freight traffic to truck traffic;
- Reduce noise and air quality environmental impacts associated with delaying rail traffic at this location;
- Reduce travel time and improve safety;
- Improve access of North American Free Trade Agreement ("NAFTA") rail freight traffic to and from Mexico, Southern California and the San Pedro Bay Ports that pass through the crossing.

4. SELECTION OF CONSULTANT

SANBAG has established a committee consisting of UPRR and BNSF and other governmental agencies as designated by SANBAG to select an engineering and environmental consultant ("Consultant") to assist SANBAG in the preparation of the PR and the ED. The committee will decide among its members how to make the selection of the Consultant. SANBAG will then take all required

action to obtain approval from its board to retain and pay the Consultant. SANBAG will exercise sufficient oversight, with the input and assistance of UPRR and BNSF, to assure that the Consultant prepares the PR and the ED in a manner satisfactory to the parties. SANBAG shall assure that the PR and the ED prepared by the Consultant is consistent with the recommendations of the Feasibility Study prepared by ACTA and Moffett & Nichol. No material deviations from the Feasibility Study will be permitted by SANBAG without full review and approval by both UPRR and BNSF.

5. ACCESS TO RAILROAD PROPERTY

In order to (1) ensure the timely completion of the PR and the ED; (2) provide required access to UPRR and BNSF's property to conduct tests, surveys, engineering studies and inspections in connection with the preparation of the PR and the ED; and (3) provide for reimbursement for the costs incurred by UPRR and BNSF in providing flagging services as a result of the presence of the Consultant or Consultant's contractors on railroad property, SANBAG will proceed under the following understanding:

The parties recognize that it will be necessary for the Consultant and/or its contractors to enter upon railroad property to conduct tests, surveys, engineering studies and inspections in connection with the preparation of the PR and the ED. UPRR and BNSF are willing to permit such access on the condition that Consultant and each of the contractors employed by Consultant to assist in the preparation of the PR and the ED execute and deliver to UPRR or BNSF as the case may be (i) a Contractor's Right of Entry Agreement in the form attached hereto as Exhibit "A" and (ii) the delivery to, and the securing of, each railroad's approval of the insurance therein required.

In addition, the Consultant, as well as its contractors, shall be required to comply with all safety rules of the railroads, including attending or obtaining the approved Federal Railroad Administration safety training before commencing of any work on railroad property.

Consultant shall not undertake any potholing or soils excavations without prior approval, which shall not be unreasonably withheld, from either UPRR or BNSF as the case may be depending on ownership of the property in question. Consultant shall follow all guidelines and instructions issued by the railroad for protection of signal and communications lines and systems.

All costs incurred in connection with any tests, surveys, engineering studies or inspections performed by Consultant or its contractors in connection with the preparation of the PR and the ED shall be paid by SANBAG. In the event of the recordation of any claim of lien for materials supplied or labor or professional services performed by Consultant or its contractors, SANBAG shall promptly satisfy and discharge such lien at SANBAG's sole cost and expense.

upon demand therefor by railroads or post a bond as provided for by law for the removal of such lien.

SANBAG and the Consultant will execute UPRR's or BNSF's standard confidentiality agreements, as the case may be depending on the property under investigation, relating to environmental testing.

6. ENVIRONMENTAL REMEDIATION COSTS

If any environmental remediation measures on UPRR or BNSF property are identified in the PR and the ED as being necessary for the Project to proceed, the parties will use their best efforts to include the entire cost of such measures as a Project cost. This MOU does not obligate any party to undertake any cleanup or remediation work on any real property that may become part of the Project. This MOU does not obligate any party to pay, in whole or in part, any environmental remediation cost associated with the PR, the ED or the Project.

7. FLAGGING SERVICES TO BE PROVIDED BY RAILROADS

SANBAG shall require the Consultant and its contractors to give UPRR's Public Projects office (Frank Beard, telephone 909-879-6612) or BNSF's Roadmaster (David Gonzales, telephone 909-386-4061) a minimum of thirty (30) working days advance notice when flagging services are needed. If flagging services are scheduled in advance and it is subsequently determined that such services are no longer necessary, Consultant must give the Roadmaster five (5) working days advance notice so that appropriate arrangements can be made to abolish the position pursuant to union requirements.

Railway flagger and protective services and devices will be required and furnished when Consultant's work activities are located over, under and/or within twenty five (25) feet measured horizontally from centerline of the nearest track and when cranes or similar equipment positioned beyond 25 feet from the track centerline could foul the track in the event of tip over or other catastrophic occurrence, but not limited thereto for the following conditions:

- (i) When in the opinion of either railroad it is necessary to safeguard railroad's property, employees, trains, engines and facilities.
- (ii) When any excavation is performed below the bottom of tie elevation, if, in the opinion of either railroad, track or other railroad facilities may be subject to movement or settlement.
- (iii) When work in any way interferes with the safe operation of trains at timetable speeds.

- (iv) When any hazard is presented to railroad track, communications, signal, electrical, or other facilities either due to persons, material, equipment or blasting in the vicinity.

Special permission must be obtained from each railroad before moving heavy or cumbersome objects or equipment which might result in making the track impassable.

Flagging services will be performed by qualified railroad flaggers. A flagging crew generally consists of one employee. However, additional personnel may be required to protect railroad's property and operations, if deemed necessary by either UPRR or BNSF.

Each time a flagger is called, the minimum period for billing will be the eight (8) hour basic day.

The cost of flagger services provided by either railroad, when deemed necessary, will be borne by SANBAG. The cost for each flagger includes vacation allowance, paid holidays, railroad and unemployment insurance, public liability and property damage insurance, health and welfare benefits, transportation, meals, lodging and supervision. Negotiations for railroad labor or collective bargaining agreements and rate changes authorized by appropriate federal authorities may increase actual or estimated flagging rates. The flagging rate in effect at the time of performance by the Consultant or its contractors will be used to calculate the actual costs of flagging pursuant to this paragraph.

8. TIMELY REVIEW OF DOCUMENT SUBMITTAL

UPRR and BNSF agree to reasonably cooperate with SANBAG and SANBAG's Consultant in the preparation of the PR and the ED. SANBAG shall submit to each of the railroads for review and comment copies of at least two (2) draft reports prepared by the Consultant. The railroads shall provide SANBAG with their comments within thirty (30) business days of receipt of such draft reports.

Such submittals shall be delivered to:

UPRR Representative:	Gary Riddle
	Program Manager
	Union Pacific Railroad Company
	1400 Dodge St., Mail Stop 0910
	Omaha, Nebraska, 68179

With a copy to: Jerry Wilmoth
General Manager Network Infrastructure
Union Pacific Railroad Company
10031 Foothills Blvd., Room 400
Roseville, CA 95747

BNSF Representative: Walter N. Smith
General Director Engineering & Construction
BNSF Railway Company
740 E. Carnegie Drive
San Bernardino, CA 92408

With a copy to: David Miller
Manager Engineering
BNSF Railway Company
740 E. Carnegie Drive
San Bernardino, CA 92408

9. PROJECT FUNDING

It is understood that at the present time no specific funds have been committed for the construction of the proposed Project. The parties shall work together cooperatively to identify potential funding sources for the Project. No party hereto shall have any authority to make any promises or commitments concerning the Project or its funding on behalf of any other party and any attempt to do so will be null and void. This MOU does not obligate any party to construct the Project or to undertake any work in conjunction therewith except as described above. The parties understand that a further detailed Construction & Maintenance Agreement among the parties will be required prior to the start of any construction on the Project.

10. GENERAL PROVISIONS

In performance of Project work, UPRR, BNSF and SANBAG (The Parties), their contractor(s) and all subcontractors shall not unlawfully discriminate, harass or allow harassment, against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (cancer), age (over 40), marital status, denial of family care leave and medical care leave, and denial of pregnancy disability care leave. The Parties, their contractor(s) and all subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. The Parties, their contractor(s) and all subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code Sections 12900 et seq.) and the applicable regulations promulgated there under (California Code Regulations, Title 2, Sections 7285.0 et seq.). The applicable

regulations of the Fair Employment and Housing Commission implementing Government Code Section 12900 et seq., are set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations and are incorporated into this Contract by this reference and made a part hereof as if set forth in full. Each of The Parties contractors and their subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have collective bargaining or other labor Contracts. The Parties shall include the non-discrimination and compliance provisions of this clause in all contracts and subcontracts to perform work under this Contract.

Executed this _____ day of March, 2007.

UNION PACIFIC RAILROAD
COMPANY

By: _____
Its: _____

BNSF RAILWAY COMPANY

By: _____
Its: _____

SAN BERNARDINO ASSOCIATED
GOVERNMENTS

By: _____
Its: _____

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
Jean-Rene Basle
Counsel

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 31

Date: April 4, 2007

Subject: Award Construction Contract No. C07110 for State Street/University Parkway Grade Separation Construction

Recommendation:* Award Construction Contract No. C07110 for the amount of \$17,198,485.00 to Skanska USA Civil West California District, Inc. for State Street/University Parkway Grade Separation Construction

Background: This is a new contract awarded based on the competitive low bid process, as such conflict of interest is not applicable. SANBAG opened bids for the State Street/University Parkway Grade Separation on March 22, 2007. This project is SANBAG's first Alameda Corridor East high priority grade separation. The project includes the construction of a new five lane bridge over both the BNSF railroad tracks and Cajon Boulevard and includes various local roadway realignments and improvements. The engineer's construction cost estimate is approximately \$17.2 million. With supplemental items and contingency the total project is estimated at \$19.1 million.

SANBAG received seven (7) bids from prime contractors ranging from a low of \$15,507,714.00 to a high of \$16,899,162.00. Please see Exhibit "A" for a list of the contractors and bid amount. The low bid was submitted by Skanska USA Civil West California District, Inc. and does not include supplemental and contingency costs.

*

Approved
Board of Directors

Date: April 4, 2007

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

The total award amount of \$17,198,485.00 includes the bid items, supplemental funds and contingency funds. A breakdown of these costs is included as Exhibit "B". This amount is approximately \$1.9 million or 10% under the Engineer's Estimate for the construction cost of the project.

As of the preparation of this agenda item, SANBAG staff was reviewing the bid documents submitted by Skanska to ensure "responsiveness" and after preliminary review all paperwork looks to be in order. If necessary, staff will provide supplemental information related to "responsiveness" to the Board at the Meeting of April 4, 2007.

Financial Impact: The SANBAG 2006/07 Budget task number 87107000 (State Street/University Parkway Grade Separation Construction) includes budgeted funding for Bridge Construction to fund this construction contract for the 2006/07 fiscal year. Thereafter, as a multi-year contract, staff will budget new funding each year to fund the anticipated construction costs for the given fiscal year.

Financial Impact: The award of a construction contract for this project is an anticipated expenditure in the FY 2006/07 Budget. TN 87107000.

Reviewed By: This item is being presented directly to the Board for approval on April 4, 2007.

Responsible Staff: Darren Kettle, Director of Freeway Construction

SANBAG Contract No. C07-110

by and between

San Bernardino County Transportation Authority

and

Skanska USA Civil West California District Inc.

for

Bridge and Highway Construction of the State Street/University Parkway Grade Separation

FOR ACCOUNTING PURPOSES ONLY

<input checked="" type="checkbox"/> Payable	Vendor Contract # _____	Retention:	<input checked="" type="checkbox"/> Original
<input type="checkbox"/> Receivable	Vendor ID _____	<input checked="" type="checkbox"/> Yes <u>10</u> % <input type="checkbox"/> No	<input type="checkbox"/> Amendment

Notes:

Original Contract:	\$ <u>15,507,714.00</u>	Previous Amendments Total:	\$ _____
		Previous Amendments Contingency Total:	\$ _____
Contingency Amount:	\$ <u>1,690,771.00</u>	Current Amendment:	\$ _____
		Current Amendment Contingency:	\$ _____

Contingency Amount requires specific authorization by Task Manager prior to release.

Contract TOTAL → \$ 17,198,485.00

↓ Please include funding allocation for the original contract or the amendment.

<u>Task</u>	<u>Cost Code</u>	<u>Funding Sources</u>	<u>Grant ID</u>	<u>Amounts</u>
<u>871CZZ07</u>	<u>5554</u>	<u>TCRP</u>	_____	\$ <u>2,000,000</u>
<u>871CZZ08</u>	<u>5554</u>	<u>TCRP</u>	_____	\$ <u>10,600,000</u>
<u>871CZZ09</u>	<u>5554</u>	<u>TCRP</u>	_____	\$ <u>2,714,204</u>
<u>871CZZ10</u>	<u>5554</u>	<u>TCRP</u>	_____	\$ <u>1,884,281</u>

Original Board Approved Contract Date: <u>4/4/07</u>	Contract Start: <u>4/4/07</u>	Contract End: <u>8/31/09</u>
New Amend. Approval (Board) Date: _____	Amend. Start: _____	Amend. End: _____

If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:

Approved Budget Authority →	Fiscal Year: <u>06/07</u> \$ <u>2,000,000</u>	Future Fiscal Year(s) – Unbudgeted Obligation →	\$ <u>15,198,485.00</u>
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Is this consistent with the adopted budget? ☒ Yes ☐ No

If yes, which Task includes budget authority? 871

If no, has the budget amendment been submitted? ☐ Yes ☐ No

CONTRACT MANAGEMENT

Please mark an "X" next to all that apply:

☐ Intergovernmental ☒ Private ☐ Non-Local ☐ Local ☐ Partly Local

Disadvantaged Business Enterprise: ☒ No ☐ Yes _____%

Task Manager: **Darren Kettle**

Contract Manager: **Steve Yench**

Task Manager Signature

Date

Contract Manager Signature

Date

Chief Financial Officer Signature

Date

Filename: C07110-das.doc

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY
State Street/University Parkway Grade Separation
In the City and County of San Bernardino, California
Bridge and Highway Construction
Contract No.: C07-110
Bid Opening: March 22, 2007

THIS AGREEMENT, made and concluded, in duplicate, April 4, 2007 between the San Bernardino County Transportation Authority (referred to hereinafter as "AUTHORITY"), and

Skanska USA Civil West California District Inc. (referred to hereinafter as "Contractor").

ARTICLE I.---WITNESSETH, That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by AUTHORITY, and under the conditions expressed in the Performance Bond and Payment Bond, bearing even date with these present, and hereunto annexed, the said Contractor agrees with AUTHORITY, at the Contractor's own proper cost and expense, to do all the work and furnish all the materials, except such as are mentioned in the specifications to be furnished by AUTHORITY, necessary to construct and complete in a good, workmanlike and substantial manner and to the satisfaction of AUTHORITY, the work described in the special provisions and the project plans described below, including any addenda thereto, and also in accordance with Caltrans Department of Transportation Standard Plans, dated May 2006, the Standard Specifications, dated May 2006 and all related updates, and the Labor Surcharge and Equipment Rental Rates in effect on the date the work is accomplished, which said project plans, Standard Plans, Standard Specifications, and Labor Surcharge and Equipment Rental Rates are hereby specially referred to and by such reference made a part hereof.

The Proposal and Contract (dated February 22, 2007), Special Provisions (dated February 22, 2007) and on project plans (dated February 20, 2007) for the work are entitled:

CONSTRUCTION OF
STATE STREET/UNIVERSITY PARKWAY GRADE SEPARATION
IN THE CITY AND COUNTY OF SAN BERNARDINO, CALIFORNIA
BRIDGE AND HIGHWAY CONSTRUCTION

ARTICLE II.---AUTHORITY hereby promises and agrees with the said Contractor to employ, and does hereby employ, the said Contractor to provide materials to do the work according to the terms and conditions herein contained and referred to, for the prices hereinafter set forth, and hereby contracts to pay the same at the time, in the manner and upon the conditions herein set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III.---The State general prevailing wage rates most current edition at the date of the bid opening are hereby made a part of this contract. It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the bid or proposal of said Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE IV.---By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE V.--- Contractor agrees to receive and accept the following prices as full compensation for (1) furnishing all materials and for doing all the work contemplated and embraced in this agreement; (2) all loss or damage, arising out of

the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by AUTHORITY, and for all risks of every description connected with the work; (3) all expenses incurred by or in consequence of the suspension or discontinuance of work and; (4) well and faithfully completing the work, and the whole thereof, in the manner and according to the plans and specifications, and the requirements of the Engineer under them, to wit:

BID LIST

ITEM NO.	CALTRANS CODED ITEM NUMBER	ITEM DESCRIPTION	UNIT OF MEASURE	QUANTITY	UNIT PRICE	ITEM TOTAL
1	070010	PROGRESS SCHEDULE (CRITICAL PATH)	LS	LUMP SUM	5,000-	5,000-
2	071301	TEMPORARY FENCE	LF	4,168	6-	25,008-
3 (F)	074019	PREPARE STORM WATER POLLUTION PREVENTION PLAN	LS	LUMP SUM	10,000-	10,000-
4 (F)	074020	WATER POLLUTION CONTROL	LS	LUMP SUM	20,000-	20,000-
5	07025	TEMPORARY SOIL STABILIZATION	LB	6	75-	450-
6	07029	TEMPORARY SILT FENCE	LF	1,110	4-	4,440-
7	074033	TEMPORARY CONSTRUCTION ENTRANCE	EA	3	10,000-	30,000-
8	074041	STREET SWEEPING	LS	LUMP SUM	50,000-	50,000-
9 (S)	120090	CONSTRUCTION AREA SIGNS	LS	LUMP SUM	40,000-	40,000-
10 (S)	120100	TRAFFIC CONTROL SYSTEM	LS	LUMP SUM	90,000-	90,000-
11	129000	TEMPORARY RAILING (TYPE K)	LF	3,561	13-	46,293-
12	150605	REMOVE FENCE	LF	3,800	5-	19,000-
13	150700	REMOVE PAVEMENT DELINEATION	LS	LUMP SUM	12,000-	12,000-
14	153112	COLD PLANE ASPHALT CONCRETE PAVEMENT (1-1/2" MAXIMUM)	SY	6,500	2.50	16,250-
15	160101	CLEARING AND GRUBBING	LS	LUMP SUM	50,000-	50,000-
16 (F)	170101	DEVELOP WATER SUPPLY	LS	LUMP SUM	10,000-	10,000-
17	190101	ROADWAY EXCAVATION	CY	14,333	28-	401,324-
18 (F)	192003	STRUCTURE EXCAVATION (BRIDGE)	CY	2,329	72-	167,688-
19	193003	STRUCTURE BACKFILL (BRIDGE)	CY	2,461	25-	61,525-
20	198001	IMPORTED BORROW	CY	97,824 88,241	2-	176,482-
21	197031A	MSE WALL NO. 1	SF	15,939	56-	892,584-

ITEM NO.	CALTRANS CODED ITEM NUMBER	ITEM DESCRIPTION	UNIT OF MEASURE	QUANTITY	UNIT PRICE	ITEM TOTAL
22	197031B	MSE WALL NO. 2	SF	19,007	56 -	1,064,392 -
23	197031C	SOIL NAIL WALL NO. 130	SF	1,927	120 -	231,240 -
24	197031D	SOIL NAIL WALL NO. 133	SF	2,007	120 -	240,840 -
25	200001	ROADWAY PLANTING	LS	LUMP SUM	150,000 -	150,000 -
26	204099	PLANT ESTABLISHMENT WORK (90 DAYS)	LS	LUMP SUM	5,000 -	5,000 -
27	208000	IRRIGATION SYSTEM	LS	LUMP SUM	120,000 -	120,000 -
28	260201	CLASS 2 AGGREGATE BASE	CY	8,400	50 -	420,000 -
29	390102	ASPHALT CONCRETE	TON	14,500	79 -	1,145,500 -
30	390113	ASPHALT CONCRETE DIKE	LF	3,077 3,297	2 -	6,594 -
31 (P)	490753	FURNISH PILING (CLASS 100)	LF	12,954	30 -	388,620 -
32 (S)	490754	DRIVE PILING (CLASS 100)	EA	289	2,400 -	693,600 -
33	500001	PRESTRESSING CAST-IN-PLACE CONCRETE	LS	LUMP SUM	375,000 -	375,000 -
34 (F)	510051	STRUCTURAL CONCRETE, BRIDGE FOOTING	CY	833	335 -	279,055 -
35 (F)	510053	STRUCTURAL CONCRETE, BRIDGE	CY	4,155	645 -	2,679,975 -
36 (F)	510086	STRUCTURAL CONCRETE, APPROACH SLAB TYPE N(30S)	CY	351	850 -	298,350 -
37	510100A	HILLWOOD RETAINING WALL	SF	1,655	80 -	132,400 -
38	510501A	CONSTRUCT CATCH BASIN	EA	14	6,000 -	84,000 -
39	510502	MINOR CONCRETE (MINOR STRUCTURE)	CY	36	1,000 -	36,000 -
40 (S)(P)	519129	JOINT SEAL ASSEMBLY (MR=4 INCH)	LF	266	200 -	53,200 -
41	511064	FRACTURED RIB TEXTURE	SF	6,451	25 -	161,275 -
42 (P) (F) (S)	520102	BAR REINFORCING STEEL (BRIDGE)	LB	825,118	1 -	825,118 -
43	560000A	SIGNING AND STRIPING	LS	LUMP SUM	140,000 -	140,000 -

ITEM NO.	CALTRANS CODED ITEM NUMBER	ITEM DESCRIPTION	UNIT OF MEASURE	QUANTITY	UNIT PRICE	ITEM TOTAL
44	641101A	PLASTIC PIPE	LF	658 315	45-	14,175 -
45	650014	18" REINFORCED CONCRETE PIPE	LF	438	75-	32,850 -
46	650018	24" REINFORCED CONCRETE PIPE	LF	1,622	95-	154,090 -
47	650022	30" REINFORCED CONCRETE PIPE	LF	147	140-	20,580 -
48	705201A	CONCRETE FLARED END SECTION	EA	4	1,200 -	4,800 -
49	706500A	CONSTRUCT TRASH RACK	EA	1	5,000 -	5,000 -
50	707200A	CONSTRUCT DRAINAGE MANHOLE	EA	2	5,500 -	11,000 -
51	720000	ROCK SLOPE PROTECTION	CY	38	100 -	3,800 -
52 (F)	721810	SLOPE PAVING (CONCRETE)	CY	72	650 -	46,800 -
53	731510	MINOR CONCRETE (CURB, GUTTER, SIDEWALK, AND DRIVEWAY)	CY	1,169 1,132	350 -	396,200 -
54	750505	BRIDGE DECK DRAINAGE SYSTEM	LS	LUMP SUM	15,000 -	15,000 -
55	800300A	CHAIN LINK FENCE	LF	5,800	70 -	406,000 -
56 (P)(F) (S)	833032	CHAIN LINK RAILING (TYPE 7 MODIFIED)	LF	2,633	27 -	71,091 -
57 (F)	833142	CONCRETE BARRIER (TYPE 26 MODIFIED)	LF	2,633	205 -	539,765 -
58 (F)(S)	839521	CABLE RAILING	LF	468	20 -	9,360 -
59	860351	TRAFFIC SIGNAL (UNIVERSITY/INTERCHANGE)	LS	LUMP SUM	140,000 -	140,000 -
60	860351	TRAFFIC SIGNAL (STATE/NOLAN/SHORT)	LS	LUMP SUM	142,000 -	142,000 -
61	860352	TRAFFIC SIGNAL (CAJON/SHORT)	LS	LUMP SUM	91,000 -	91,000 -
62	860353	TRAFFIC SIGNAL (CAJON/OLD STATE)	LS	LUMP SUM	16,000 -	16,000 -
63	860401	LIGHTING	LS	LUMP SUM	170,000 -	170,000 -
64	999990	MOBILIZATION	LS	LUMP SUM	1,400,000 -	1,400,000 -
65	650127A	SEWER LINE RELOCATION	LF	350	300 -	105,000 -

66	731510A	CONSTRUCT MEDIAN ISLAND-LOWE'S	LS	LUMP SUM	55,000 -	55,000 -
		TOTAL				15,507,714 -

ARTICLE VI.---The undersigned agrees to complete the work within the time period as stipulated in Section 4 of the special provisions.

ARTICLE VII.---The undersigned hereby certifies that he is currently the holder of a valid license as a contractor in the State of California and that the license is the correct class of license for the work described in the project plans and specifications.

ARTICLE VIII

Indemnification - The Contractor agrees to indemnify, defend and hold harmless AUTHORITY, Fluor Corporation, City of San Bernardino, County of San Bernardino, BNSF Railroad and their authorized offices, employees, agents and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of this contract from any cause whatsoever, including the acts errors or omissions of any person and for any costs or expenses incurred by AUTHORITY, Fluor Corporation, City of San Bernardino, County of San Bernardino, BNSF Railroad and their authorized officers, employees, agents and volunteers on account of any claim therefore, except where such indemnification is prohibited by law.

ARTICLE IX

Insurance - Without in anyway affecting the indemnity herein provided and in addition thereto the Contractor shall, at the Contractor's expense, procure and maintain insurance on all of its operations with companies acceptable to AUTHORITY as follows. All insurance shall be kept in full force and effect from the beginning of the work through final acceptance by AUTHORITY. In addition, the Contractor shall maintain completed operations coverage with a carrier acceptable to AUTHORITY through the expiration of the patent deficiency in construction statute of repose set forth in Section 337.1 of the Code of Civil Procedure. The policies shall be written by a California admitted carrier with a Best's rating of B++ or better.

Workers' Compensation and Employer's Liability Insurance -- Workers' Compensation insurance shall be provided in an amount and form to meet all applicable requirements of the Labor Code of the State of California. Employer's Liability Insurance shall be provided in amounts not less than:

- (a) \$1,000,000 for each accident for bodily injury by accident.
- (b) \$1,000,000 policy limit for bodily injury by disease.
- (c) \$1,000,000 for each employee for bodily injury by disease.

Liability Insurance -- The Contractor shall carry General Liability and Umbrella or Excess Liability Insurance covering all operations by or on behalf of the Contractor providing insurance for bodily injury liability, and property damage liability for the limits of liability indicated below and including coverage for:

- (a) premises, operations and mobile equipment.
- (b) products and completed operations.
- (c) broad form property damage (including completed operations).
- (d) explosion, collapse and underground hazards.
- (e) personal injury.
- (f) contractual liability.

Liability Limits/Additional Insureds - The limits of liability shall be at least:

- (a) \$1,000,000 for each occurrence (combined single limit for bodily injury and property damage).
- (b) \$2,000,000 aggregate for products-completed operations.
- (c) \$2,000,000 general aggregate. This general aggregate limit shall apply separately to the Contractor's work under this Agreement.
- (d) \$5,000,000 umbrella or excess liability. For projects over \$25,000,000 only, an additional \$10,000,000 umbrella or excess liability (for a total of \$15,000,000). Umbrella or excess policy shall include products liability completed operations coverage and may be subject to \$5,000,000 or \$15,000,000 aggregate limits. Further, the umbrella or excess policy shall contain a clause stating that it takes effect (drops down) in the event the primary limits are impaired or exhausted.

AUTHORITY, Fluor Corporation, City of San Bernardino, County of San Bernardino, BNSF Railroad and their authorized officers, employees, agents and volunteers, shall be named as additional insureds under the General

Liability and Umbrella Liability Policies with respect to liability arising out of or connected with work or operations performed by or on behalf of the Contractor under this contract. Coverage for such additional insureds shall not extend to liability:

- (1) arising from any defective or substandard condition of the Roadway which existed at or prior to the time the Contractor commenced work, unless such condition has been changed by the work or scope of the work requires the Contractor to maintain existing Roadway facilities and the claim arises from the Contractor's failure to maintain; or
- (2) for claims occurring after the work is completed and accepted unless these claims are directly related to alleged acts or omissions of the Contractor which occurred during the course of the work; or
- (3) to the extent prohibited by Section 11580.04 of the Insurance Code.

The policy shall stipulate that the insurance afforded the additional insureds shall apply as primary insurance. Any other insurance or self insurance maintained by AUTHORITY will be excess only and shall not be called upon to contribute with this insurance. Such additional insured coverage shall be provided by a policy provision or by an endorsement providing coverage at least as broad as Additional Insured (Form B) endorsement form CG 2010, as published by the Insurance Services Office (ISO).

Automotive Liability Insurance – The Contractor shall carry automobile liability insurance, including coverage for all owned, hired and non-owned automobiles. The primary limits of liability shall not be less than \$1,000,000 combined single limit each accident for bodily injury and property damage. The umbrella or excess liability coverage required under Article IX "Liability Limits/Additional Insureds," shall also apply to automobile liability.

Waiver of Subrogation Rights - Contractor shall require the carriers of the above required coverages to waive all rights of subrogation against AUTHORITY, Fluor Corporation, City of San Bernardino, County of San Bernardino, BNSF Railroad, and their authorized officers, employees, agents and volunteers, contractors and subcontractors.

Policy Forms, Endorsements and Certificates – The Contractor's General Liability Insurance shall be provided under Commercial General Liability policy form No. CG0001 as published by the Insurance Services Office (ISO) or under a policy form at least as broad as policy form No. CG0001.

Evidence of insurance in a form acceptable to AUTHORITY, including the required "additional insured" endorsements, shall be furnished by the Contractor to AUTHORITY at or prior to the pre-construction conference. The evidence of insurance shall provide that there will be no cancellation, lapse, or reduction of coverage without thirty (30) days' prior written notice to AUTHORITY. Certificates of Insurance, as evidence of required insurance, for the General Liability, Auto Liability and Umbrella-Excess Liability policies shall set forth deductible amounts applicable to each policy and all exclusions which are added by endorsement to each policy. AUTHORITY may expressly allow deductible clauses, which it does not consider excessive, overly broad, or harmful to interests of AUTHORITY. Standard ISO form No. CG0001 or similar exclusions will be allowed provided they are not inconsistent with the requirements of this section. Allowance of any additional exclusions is at the discretion of AUTHORITY. Regardless of the allowance of exclusions or deductions by AUTHORITY, the Contractor shall be responsible for any deductible amount and shall warrant that the coverage provided to AUTHORITY is consistent with the requirements of this section.

Enforcement – AUTHORITY may take any steps as are necessary to assure Contractor's compliance with its obligations. Should any insurance policy lapse or be canceled during the contract period the Contractor shall, within thirty (30) days prior to the effective expiration or cancellation date, furnish AUTHORITY with evidence of renewal or replacement of the policy. Failure to continuously maintain insurance coverage as herein provided is a material breach of contract. In the event the Contractor fails to maintain any insurance coverage required, AUTHORITY may, but is not required to, maintain this coverage and charge the expense to the Contractor or terminate this Agreement. The required insurance shall be subject to the approval of AUTHORITY, but any acceptance of insurance certificates by AUTHORITY shall in no way limit or relieve the Contractor of the Contractor's duties and responsibilities under the Contract to indemnify, defend and hold harmless AUTHORITY, Fluor Corporation, City of San Bernardino, County of San Bernardino, BNSF Railroad, and their authorized officers, employees, agents and volunteers. Insurance coverage in the minimum amounts set forth herein shall not be construed to relieve the Contractor for liability in excess of such coverage, nor shall it preclude AUTHORITY from taking other actions as is available to it under any other provision of the contract or law. Failure of AUTHORITY to enforce in a timely

manner any of the provisions of this section shall not act as a waiver to enforcement of any of these provisions at a later date.

Miscellaneous – Nothing contained in the Contract is intended to make the public or any member thereof a third party beneficiary of the Insurance or Indemnity provisions of the Contract, nor is any term, condition or other provision of the Contract intended to establish a standard of care owed to the public or any member thereof.

ARTICLE X.---The undersigned agrees to furnish AUTHORITY with a satisfactory Payment Bond in an amount equal to one hundred percent (100%) of the contract amount and a Performance Bond in an amount equal to one hundred percent (100%) of the contract amount. These bonds shall be secured from a surety company or companies satisfactory to AUTHORITY and shall remain in force and effect for a period of one year following the date of filing of Notice of Completion.

ARTICLE XI.---If any legal action is instituted to enforce or declare any party's rights hereunder, each party, including the prevailing party, must bear its own costs and attorneys' fees. This paragraph shall not apply to those costs and attorneys' fees directly arising from any third party legal action against a party hereto and payable under Article VIII, Indemnification.

ARTICLE XII.---The parties acknowledge and agree that this Agreement was entered into and intended to be performed in whole or substantial part in San Bernardino County, California. The parties agree that the venue for any action or claim brought by any party to this Agreement will be the Central District of San Bernardino County. Each party hereby waives any law or rule of court, which would allow them to request or demand a change of venue. If any action or claim concerning this Agreement is brought by any third party, the parties hereto agree to use their best efforts to obtain a change of venue to the Central District of San Bernardino County.

IN WITNESS THEREOF, the parties hereto have caused this contract to be executed on the day and year first above written.

San Bernardino County Transportation Authority

Contractor

By: _____
Dennis Hansberger
President, SANBAG Board of Directors

By: _____

Date: _____

Date: _____

Approved as to Form and Procedure:

Licensed in accordance with an act providing for registration of contractors:

By: _____
Jean-Rene Basle
SANBAG Counsel

License Number

Date: _____

Federal Employer Identification Number

Exhibit A Contract C07-110

State Street/University Parkway Grade Separation

Submitted Bids:

<u>Contractor</u>	<u>Bid Amount</u>	
1. MCM Construction, Inc.	\$15,637,949.41	
2. Skanska USA Civil West California District Inc.	\$15,507,714.00	Low Bid
3. Riverside Construction Company, Inc.	\$16,737,206.00	
4. C. C. Myers, Inc.	\$16,769,486.20	
5. Steve P. Rados, Inc.	\$16,899,162.00	
6. Atkinson Contractors, LP	\$16,821,045.42	
7. Ortiz Enterprises, Incorporated	\$16,104,258.00	

Exhibit B Contract C07-110

State Street/University Parkway Grade Separation

Base Bid	\$15,507,714.00
Base Contingency- 10%	\$ 1,550,771.00
Supplemental	
Disputes Review Board	\$ 15,000.00
Excavation & Backfill below Pipe Bedding	\$ 15,000.00
Lead Compliance Plan	\$ 10,000.00
Hazardous Materials Mitigation	<u>\$ 100,000.00</u>
	\$ 140,000.00
Total Contingency = Base 10% + Supplemental	\$ 1,690,771.00
Bid + Total Contingency	\$17,198,485.00

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 32

Date: April 4, 2007

Subject: Draft Redlands Passenger Rail Station Area Plan

Recommendation:* Approve the Draft Redlands Passenger Rail Station Area Plan in concept.

Background: As part of the acquisition of railroad property from the Atchison Topeka Santa Fe (ATSF), SANBAG, acting as the County Transportation Authority, acquired the 13-mile Redlands Subdivision in 1993. ATSF, now the Burlington Northern Santa Fe (BNSF), retained local freight rights over the railroad corridor and provides limited local freight service today. Because the funding provided to the existing Valley Measure I Commuter Rail Program was fully utilized early in the program, very limited work has been done on this corridor. That work includes the sale of approximately 1.6 miles declared as surplus property by the Board at the eastern end (Santa Ana River to Nice Avenue) to SCMWD for the Inland Feeder Project; the approval by the Surface Transportation Board to discontinue freight service by both BNSF and SANBAG east of Church Street; the reconstruction of the first mile (from east of the depot to "D" Street; and the removal of rail ties and grade crossing protection devices between Wabash Avenue and Lincoln Avenue.

In 1996 the Board authorized a financial contribution to conduct a demonstration of the operation of a Siemens low-floor self-propelled passenger rail car (RegioSprinter) on the Metrolink San Bernardino Line between Rialto and Fontana. After the demonstration, the rail car traveled to the City of Redlands for a static display. The rail car was well received at both the demonstration and static display.

*

Approved
Board of Directors

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

In 1998 SANBAG hired a consulting firm (Parsons Brinckerhoff Quade and Douglas) to prepare a feasibility study of possible transit services that could be provided in the San Bernardino to Redlands corridor. The alternatives included improving the freeway and arterials within the corridor; implementing expanded conventional bus transit; providing bus rapid transit (BRT) within the corridor; extending the conventional Metrolink service from the Santa Fe Depot to the University of Redlands; and the implementation of all-day service that would use self-propelled passenger cars. Due to modeling difficulties, the feasibility study was protracted and was not submitted to the Board until 2003 at which time the report was received. This feasibility study recommended that the all-day self-propelled passenger car alternative, being the most cost effective, should be considered for implementation.

During much of 2003 and early 2004, the staff, working with the Board, developed an Expenditure Plan for the extension of Measure I. That Expenditure Plan, which was ultimately approved by the Board, contained funding not only for the Metrolink system, but also for the extension of the Gold Line from its current terminus in Pasadena to the Montclair Transcenter, as well as the implementation of a new passenger rail service between San Bernardino and Redlands. The proposed Expenditure Plan specifically changed the name of the program from Commuter Rail in the existing Measure I to Metrolink/Rail Service so that the extensions of the Gold Line (light rail) and Redlands (urban rail) would be eligible projects. Unlike the Gold Line extension which will be operated by LACMTA, it is anticipated that the operation of the Redlands service would become part of the Metrolink system.

In August 2005, the federal transportation re-authorization (SAFETEA-LU) was enacted. SAFETEA-LU provides for a new program under the Federal Transit Administration's Capital Investment Program, referred to as "Small Starts". Projects seeking "Small Starts" funding must not exceed \$250 million in total cost and FTA will approve grants of up to \$75 million for each project. The intent of Congress is that projects seeking "Small Starts" grants address three primary criteria; cost-effectiveness, transit-supportive land use, and economic development.

Staff was concerned that without a commitment for transit-supportive land use and acknowledgment of economic development opportunities from the local jurisdictions along the corridor there would be no need to advance this project at this time. In April 2006 the Board awarded Contract C06050 to Gruen Associates to prepare station area plans for the proposed implementation of passenger rail service between the San Bernardino Transcenter and the University of Redlands. The purpose of this work effort is to finalize the location of stations along the rail corridor and determine the types of development that would be acceptable to the

affected cities as well as address the Federal Transit Administration's (FTA) emphasis on the transit supportive land use and economic development aspects of the proposed passenger rail project.

Gruen and Associates, along with their subcontractors, presented the study results to the Commuter Rail Committee in November 2006. A stakeholders' (elected officials, planning commission members and potential developers) meeting and an open-community workshop were held on November 16th at the Loma Linda Community Center.

Formal presentations of the draft report were made to joint meetings of the city councils and planning commission during the month of December. The City of Redlands Planning Commission and City Council approved the report in concept on December 4th. The San Bernardino Planning Commission and City Council approved the report in concept on December 9th and 22nd respectively.

The joint presentation to the City of Loma Linda occurred on December 9th, but the item was not agendaized for action. A follow-up presentation was made to the City of Loma Linda Infrastructure Committee which recommended approval of the report on January 19th. While none of the proposed stations are within the City of Loma Linda, the development of property along the west side of California Avenue is within the city. Staff will continue to work with the City of Loma Linda to seek approval of the report in concept.

On March 7th the Board received a presentation of the draft final report and staff requested Board approval in concept. Several of the Board members were concerned about the lack of information regarding the study and the Board postponed action until the April meeting. The full report and the March 7th presentation have been posted on the SANBAG web site. The Introduction and Summary Chapter from the report is attached to this item. In addition, selected slides from the March 7th presentation have been included in the agenda mailing as a separate document.

Approval of the station area plan in concept affirms the interest on the part of the Authority and the corridor cities to allow for transit-supportive development in the vicinity of the proposed stations. Approval of the plan will also allow staff to proceed with the other steps required by the FTA leading toward an application for Small Starts funding.

Financial Impact: The preparation of the draft plan is consistent with the adopted Agency budget. Funding has been provided under Task 38007000. The funding source is LTF Planning.

Board Agenda Item
April 4, 2007
Page 2

Reviewed By: This item was reviewed by the Commuter Rail Committee on November 16, 2006 and unanimously recommended for approval. (*Meeting chaired by Patricia Gilbreath*)

Responsible Staff: Michael Bair, Director of Transit and Rail Programs

1

INTRODUCTION AND SUMMARY

The Redlands Passenger Rail Station Area Plans provide the cities of San Bernardino, Loma Linda, and Redlands with land use and economic development direction adjacent to proposed passenger rail stations. The station area planning was led by the San Bernardino Associated Governments (SANBAG) with active participation from these cities, as well as other regional transit agencies. Support for these plans and adoption of implementing measures by each city will assist SANBAG in its application for funding from the Federal Transit Administration.

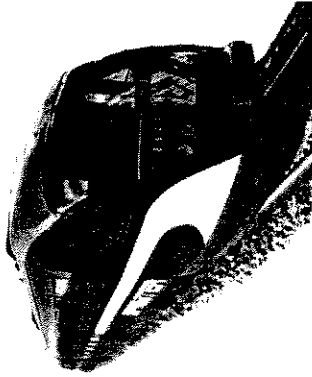
1.1

REDLANDS PASSENGER RAIL

SANBAG is planning the Redlands Passenger Rail, a new passenger train service with stations in the cities of San Bernardino, Loma Linda, and Redlands (Figure 1-1). The Redlands Passenger Rail, planned on an existing 9.1 mile railroad right-of-way owned by SANBAG, will operate between the proposed San Bernardino Transcenter at Rialto Avenue and E Street in the City of San Bernardino and a station adjacent to the University of Redlands with five other stations en-route.

The San Bernardino Transcenter will interconnect the Redlands Passenger Rail with Metrolink, the planned Omnitrans sbX bus rapid transit service on E Street, and other Omnitrans bus routes. Metrolink service will

be extended from the Santa Fe Depot to the San Bernardino Transcenter site allowing convenient transfer for commuters to and from Omnitrans local bus, sbX rapid transit service and the Redlands Passenger Rail. The Redlands Passenger Rail will use a self-propelled vehicle, called a diesel multiple unit or DMU and will operate throughout the day with frequent headways providing service to commuters, and also existing and future local destinations along the corridor.



A diesel multiple unit

1.2

VISION FOR STATION AREA PLANS

The station area plans are based on the premise that there is a strong connection between land use and transportation. Transit, either premium bus or rail, can serve as a catalyst for community improvements and new compact developments which focus on this new multi-modal access. In turn, appropriate new development fosters increased transit ridership. This synergy between land use and

transportation is a goal of transit-oriented developments (TODs) in which a compact mix of uses are located within walking distance of a transit station thereby providing community benefits including a reduction in automobile

trips, improved air quality, and improved health benefits from walking. Transit-oriented developments are often called Transit Villages. Figure 1-2 illustrates the building blocks of the Transit Village Concept.

These are as follows:

- An open air specially-designed passenger rail station with ample pedestrian amenities and located for intermodal transfers

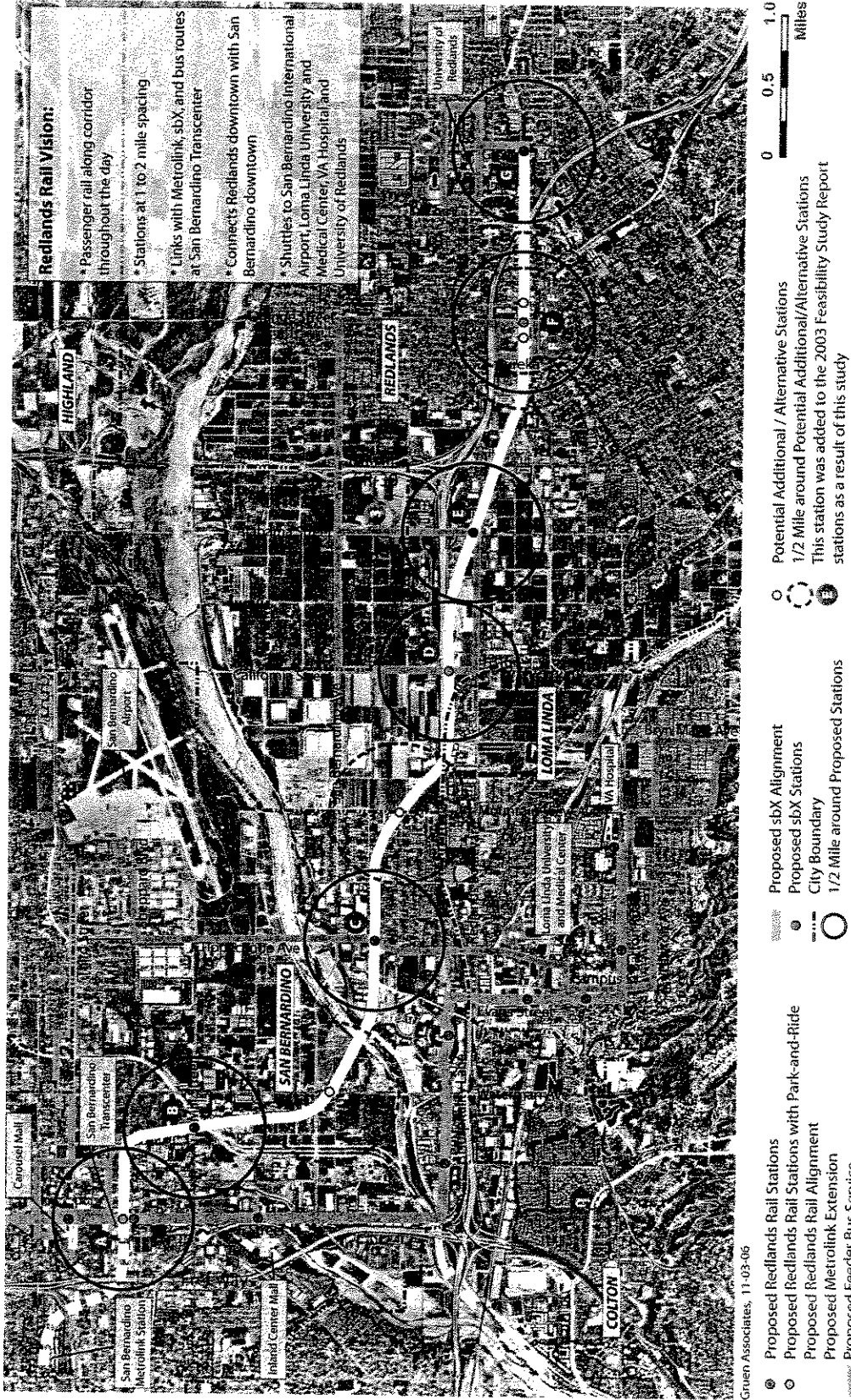
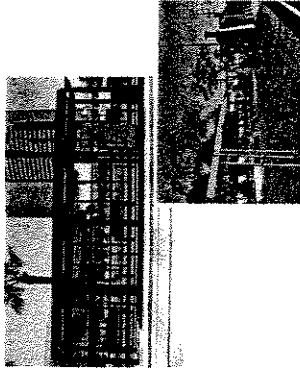


Figure 1-1: Redlands Rail Alignment

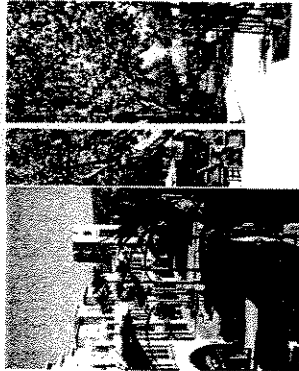
Development in walking distance of rail station to encourage alternatives to automobile trips, thereby reducing traffic congestion and improving air quality in the area

Building blocks of a Transit Village

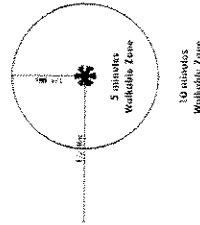
1 The Passenger Rail Station with intermodal transfers (Metrolink, bus, shuttle, and bicycle)



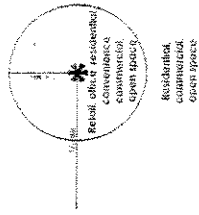
2 Pathways for walking to station linking new and surrounding neighborhoods and jobs



3 Walkable area is within 1/4 to 1/2 mile from station



4 Compact mix of uses fostering walking and transit use with highest intensity at the center



5 Mix of amenities such as neighborhood services, public gathering spaces, bike paths and lockers and network of interconnected streets



6 Improving the entire rail alignment by adding landscaping and trails, uplifting the area

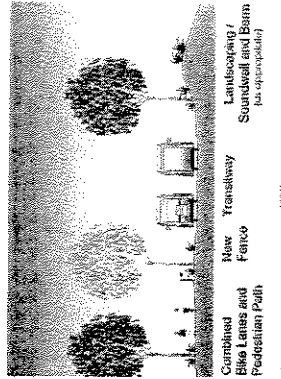


Figure 1-2: Transit Village Concept

- Pleasant pathways for walking to the station linking new development and surrounding neighborhoods and businesses
- Walkable area within ½-mile of the station (generally a ten minute walk)
- A compact mix of uses fostering walking and transit usage with the highest intensity land use in the ¼ mile core area (a 5 minute walk) and a more moderate intensity in the ½ mile area when adjacent to existing neighborhood uses
- A mix of amenities such as neighborhood services, public gathering spaces, bike paths, bike lockers and a network of interconnected streets
- An improvement to the entire rail alignment through the opportunities for the addition of landscaping and trails where there is enough right-of-way. These trails will connect with the regional trail/bicycle network and with landscaping will uplift the environment along the rail corridor

describes some of the benefits of a Transit Village and shows the character of TODs in other communities.

1.3

BACKGROUND AND PROJECT PURPOSES

In 2003, the Redlands Rail Feasibility Study was completed by SANBAG to assess the feasibility of establishing passenger rail services between San Bernardino and the City of Redlands. A series of transportation alternatives was explored and a fixed rail alternative was found to be the most cost effective. In addition to the existing Santa Fe Depot, six potential stations, as well as feeder bus services were recommended in the feasibility study. These station locations included San Bernardino Transcenter, Mill Street, Tippecanoe Avenue, California Street, downtown Redlands, and the University of Redlands and are shown in Figure 1-1.

In April 2006, Gruen Associates, with Parsons and MIG, were retained by SANBAG to prepare station area plans for the planned Redlands Passenger Rail. The primary purposes of these station area plans are:

- Address land use and economic development related criteria pursuant to Federal Transit Administration Small Starts funding
- Assess existing conditions and each City's plans within one-half (1/2) mile of each proposed station for transit-oriented development (TOD) potential, economic

development potential, and connections to stations

- Prepare alternative TOD concepts for station areas
- Finalize station locations and prepare concept plans
- Obtain cities' support for station area plans, which is a major ingredient in obtaining federal funding for the Redlands Passenger Rail

1.4

PLANNING PROCESS AND OUTREACH

Throughout the planning process, the Gruen Associates team has placed an emphasis on community outreach and establishing an integrated approach to land use and transportation planning. In order to inform and obtain input from community members about potential stations for the Redlands Passenger Rail and potential land use development at "Transit Villages", public input was sought at key milestones in the process. The public outreach process includes:

- **Task Force Meetings** – A Task Force was established to guide the planning and outreach process. Task Force members included planning, public works, and management representatives from the cities of San Bernardino, Loma Linda and Redlands, as well as representatives from SANBAG, Omnitrans,

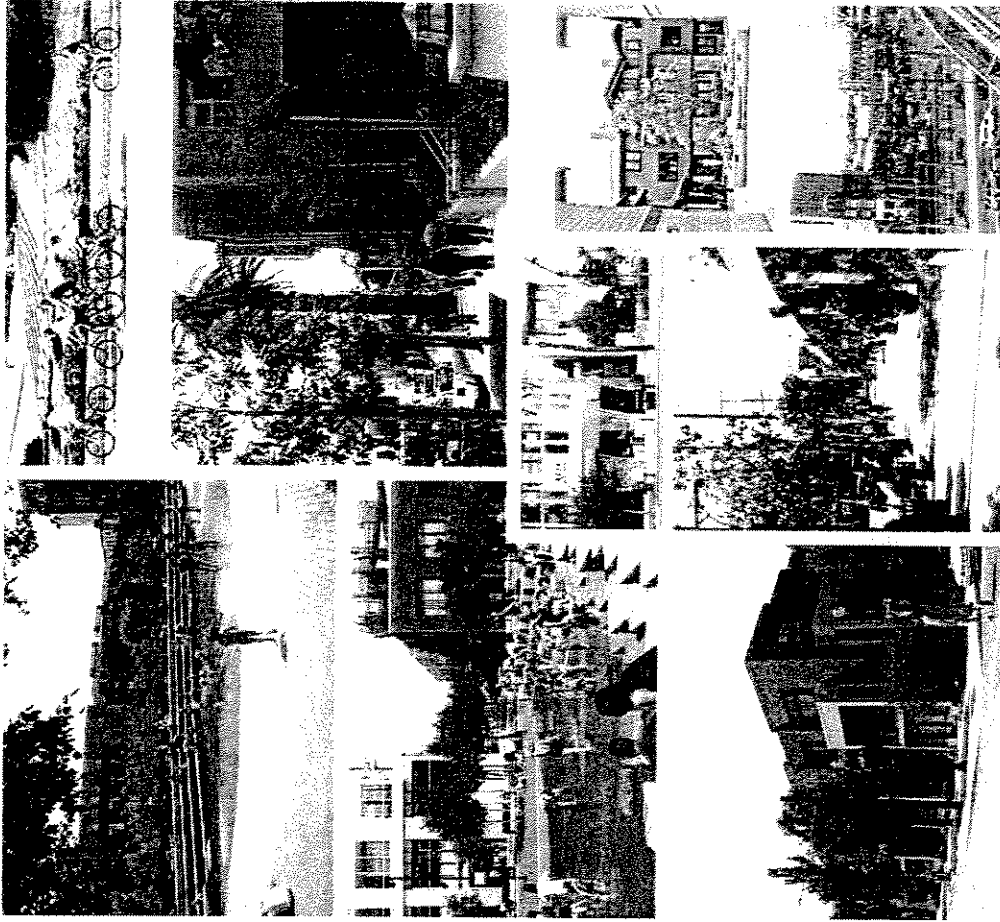
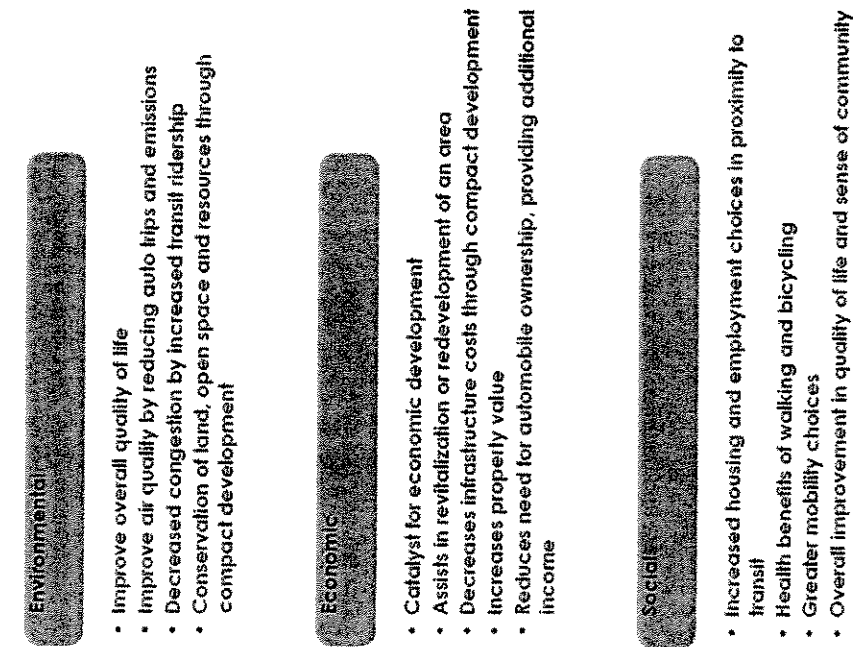


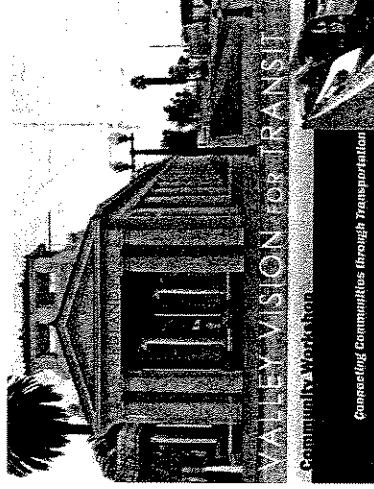
Figure 1-3: Transit Village Benefits

and Metrolink. The Gruen team met four times with the task force at: 1) the start of the project; 2) the background analysis and station evaluation milestone, 3) the preparation of alternatives milestone, and 4) the preparation of the draft report.

- **Stakeholder Meetings** – Early in the project the team met with stakeholders in a series of small meetings (1-3 people each). At these meetings, detailed information was obtained regarding the various station sites and surrounding areas and discussions took place on potential transit-oriented development and benefits. Stakeholders represented a wide range of interests including the mayors of San Bernardino and Redlands, other city councilpersons, developers, major property owners, business owners, city staff, an airport representative, and the University of Redlands representatives.

- **Community Meetings** – Community workshops were held in July 2006 in the cities of San Bernardino, Loma Linda and Redlands. At these workshops, participants were informed about the Redlands Passenger Rail, station area objectives, transit-oriented development concepts, and station locations. Participants were asked to comment on display boards and alternative land use and circulation concepts at station areas. Approximately 85 community members signed in at the workshops as participants. Written feedback was provided to the team via

comment booklets keyed to the display boards. Also at these workshops, an assessment of different transit technologies was presented and the alternatives for the San Bernardino County Long Range Transit Plan (LRTP) were provided for input from the community. A combined cities' workshop to review the Draft Redlands Passenger Rail Station Area Plans will be held in late 2006 followed by City Council meetings.



1.5

FUTURE STEPS

Once the project report is completed and presented to each city's council, the following next steps are envisioned:

- Each city later adopts the station area plan report "in concept" (this project).

- Each city incorporates policies, standards, and guidelines into its General Plan, other relevant plans, and zoning implementing the station area plans.
- SANBAG prepares analysis addressing cost effectiveness and other detailed FTA Small Starts requirements. This will entail updating capital and operating costs, the preparation of a financial plan and refined transportation modeling.
- SANBAG takes Redlands Rail Corridor Project through SCAG RSTIS process.
- SANBAG adopts Redlands Passenger Rail line as the Locally Preferred Alternative and its inclusion in SCAG's RTP.
- SANBAG prepares Final Alternatives Analysis Report and New Starts (or Small Starts) Report including 13 different templates and submits to FTA.
- SANBAG completes NEPA scoping to obtain FTA approval for entering Preliminary Engineering.
- Complete environmental clearance and PE. Apply for Full Funding Grant Agreement (FFGA) with FTA.
- Final design construction and testing open for revenue service.

1.6

ORGANIZATION OF REPORT

This report is arranged into 13 chapters:

- Chapter 1 – Introduction and Summary
- Chapter 2 – Station Areas Vision and Recommendations for All Station Areas
- Chapter 3 – Overview of Corridor and Station Locations
- Chapter 4 – Land Use Alternatives
- Chapter 5 – Travel Demand Forecast
- Chapter 6 – San Bernardino Transcenter Station Area Plan
- Chapter 7 – Mill Street Station Area Plan
- Chapter 8 – Tippecanoe Avenue Station Area Plan
- Chapter 9 – California Street Station Area Plan
- Chapter 10 – Alabama Street Station Area Plan
- Chapter 11 – Downtown Redlands Station Area Plan
- Chapter 12 – University of Redlands Station Area Plan

1.7

SUMMARY OF RECOMMENDATIONS

Based on the input from the task force and community workshops and consultants' background analysis, overall land use and linkage directions were established for each station area. This overall land use direction is illustrated in Figure 1-4. For each station area, a mix of uses with both employment and housing near the station areas is proposed. In order to achieve livable attractive, walkable and economically viable TODs, each city must adopt general policies that apply to all TODs as well as the following guidelines to assist in implementation.

General Policies

The general policies recommended for all TODs are primarily based on the principles and characteristics for TODs outlined in Chapter 2 and the local areas. They include:

- Within ½ mile of each station area, provide a mix of uses and compact development.
- Create a pedestrian-friendly or walkable environment with pedestrian amenities throughout the station area and with clearly defined pathways and trails leading to the station.
- Provide bike path connections from neighboring communities leading to the station

with facilities for bike racks and lockers at the station.

- The amount and location of parking provided and access shall reflect the availability of multi-modal transportation in the station area.
- Each station area shall be planned to reflect the unique specific geographic locations, its special features, and surrounding existing and planned land use.
- As TODs are more compact, high-quality urban design and architectural design shall be major consideration.
- Recognizing that San Bernardino and some portions of other jurisdictions have a high percentage of rental housing, encourage owner-occupied housing with density increases.
- Implementation mechanisms, planning concepts and planned development standards shall be flexible and realistic to allow increases in density and intensities reflecting changing market conditions and increases in transit usages over time.
- Recognizing the importance of the land use and transportation connection to the San Bernardino Valley, each city will support the conceptual policies and guidelines herein, will implement policies and guidelines herein, will work to attract public/private investments which are transit-supportive in the station areas and will assist SANBAG in seeking local

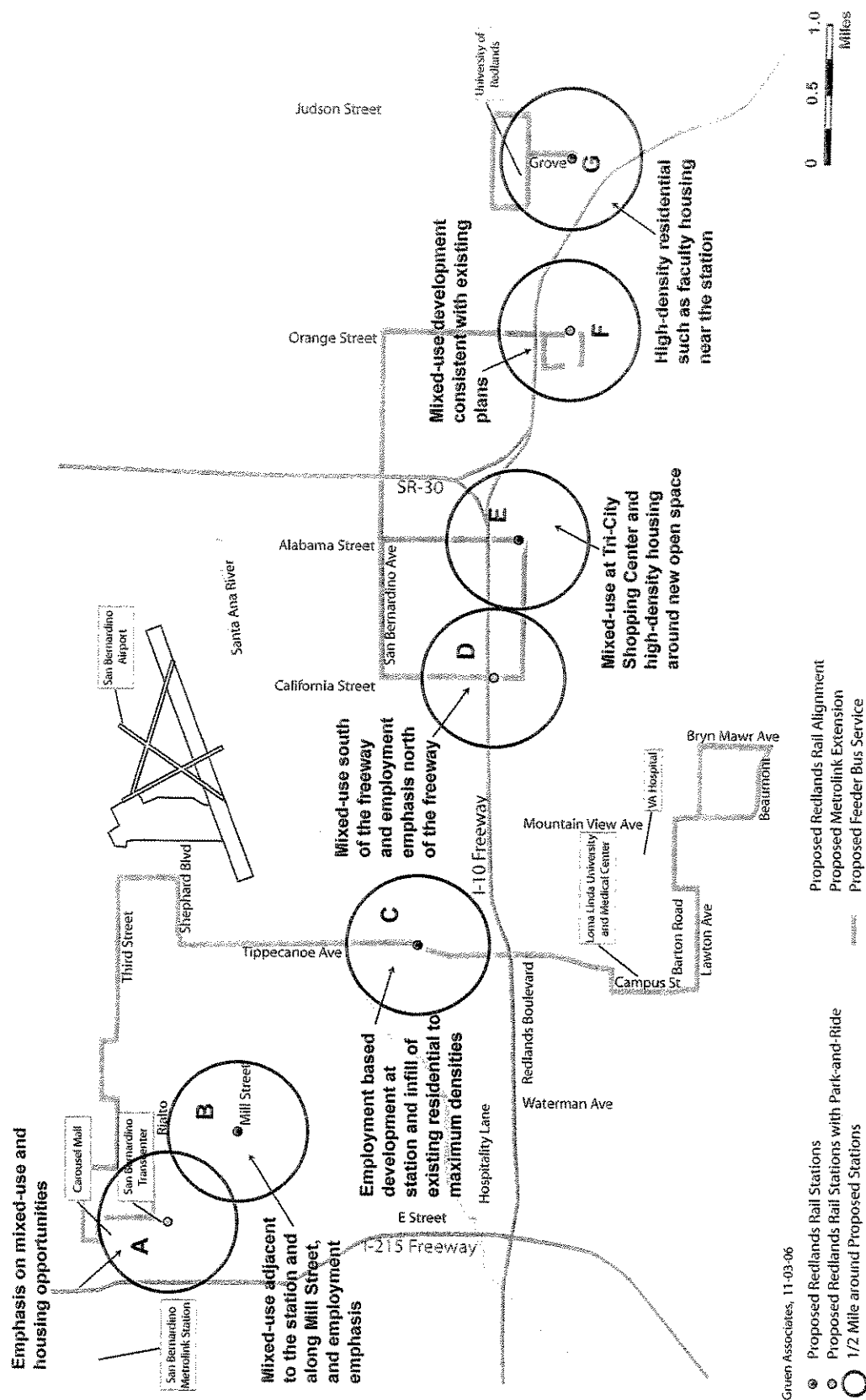


Figure 1-4: Overall Land Use and Linkage Directions for Each Station Area

facilities will be provided within areas designated for mixed-use or housing. This concept should be further refined by the City of San Bernardino, Omnitrans, and potential developers using additional technical studies and community input.

Land Use Policy Recommendations

Land use policies to be followed to implement the land use concept include:

- Use the overall land use policies and TOD guidelines in Chapter 2 – Section 2.2 of this report to plan and design each project and streetscape in addition to the more specific recommendations in this Chapter.
- Plan for mixed-use and housing on underutilized areas and opportunity sites including:
 - The San Bernardino Transcenter site
 - The Carousel Mall with a variety of housing types and a strong retail presence along E Street, providing a critical mass of new development to transform the area's character
 - On large parking lots south of 2nd Street adding more intense development with vertical mixed use and parking structures
 - Adjacent to the Arrowhead Credit Union Park similar to the area around the Petco Stadium in San Diego

- In the industrial areas east of E Street

- Plan for additional employment generating uses north of the planned South Lakes Project with linkages to the San Bernardino Transcenter site.
- Provide incentives for owner-occupied residential development with appropriate amenities. Incentives could include increased density, increased height, reduced parking, and expedited processing.
- Provide lot consolidation incentives and redevelopment for the land currently in industrial use south of the railroad.
- Allow densities up to 54 units/acre (the maximum permitted in downtown), and building heights up to five stories if certain amenities are provided. Allow greater densities and heights for senior housing and up to 10 stories if certain amenities, such as station improvements, public gathering spaces, shared parking and other need community benefits are provided.
- Allow floor area ratio (FAR) up to 4.0 for vertical mixed-use housing if certain amenities, such as station, pedestrian improvements, public gathering spaces, shared parking, owner-occupied housing, and other community benefits are provided.
- Provide active, public gathering spaces near the station with pedestrian amenities and

public/private usable open space in property with residential improvements.

Circulation and Linkage Policy Recommendations

Circulation and linkage policies include:

- Allow for parking structures for park-and-ride shared with private development close to the San Bernardino Transcenter.
- Provide attractive streetscapes along E, G and N Streets, Arrowhead Avenue, 2nd Street, and Rialto Avenue linking developments with the station. Plan for at least 15 feet of area for sidewalks and landscaping along these arterials.
- Consider bicycle lanes along 2nd Street and Rialto Avenue in addition to those proposed along 4th Street, 3rd Street and Arrowhead Avenue to connect developments with the station area.
- Connect developments to bicycle paths planned along 2nd Street.
- Provide streetscape improvements and a major pedestrian pathway connection along F Street from the mixed use planned at the Carousel Mall to Mill Street.
- Consider a grade separated connection over the railroad tracks constructed jointly with private development.

- Provide landscaped pedestrian connections to the planned South Lakes Project (office development) and Arrowhead Credit Union Park to the E Street Station.
- Plan a trail along the existing north/south flood control channel which is west of Arrowhead Avenue to link new residential, mixed use, and live-work areas in existing industrial areas.
- Provide open space with water features distributed throughout to serve new development.
- Provide a grid of new roadways primarily east of E Street and within the Carousel Mall site to serve new development.

Implementing Policies

- Amend the City of San Bernardino General Plan Map and Zoning Map to designate more of the area within the ½ mile of the Transcenter Redlands Rail Passenger Station to CR-2 (Commercial Regional 2) except City yard area and other areas that the city determines are critical industrial areas. Alternatively create a transit village zone.
- Amend the City's General Plan to include the ½ mile E Street Station area within the Downtown Strategic Plan area and other areas of the plan as appropriate.
- Explore public/private partnerships to construct the station, its amenities and new development.

- Develop an incentive program for certain amenities needed in the downtown area to allow for the increased densities and FARs and design review.

MILL STREET

Goals and Objectives

The goals and objectives for planning the Mill Street transit village include:

- Plan a catalyst project as an independent development to attract first time home buyers, empty nesters, and those choosing to use transit. As the city attracts newer office establishments in downtown, this project could be an attractive option for new city dwellers. Planned with numerous amenities, good linkages and transit options, these could create a new niche market fueling further quality development.
- Revitalize the area along Mill Street with new mixed-use development oriented to the station and housing opportunities near the existing school.

- Plan for increased employment opportunities for San Bernardino International Airport related services.
- Link new development, the station and existing residential and employment with streetscape and waterfront trails.

Land Use Concept and Linkages

The land use and linkage concept envisioned for the Mill Street Station area emphasizes employment in the eastern quadrant of the station area which is nearer to the San Bernardino International Airport and concentrates mixed-use adjacent to the proposed Mill Street passenger rail station and along Mill Street (Figure 1-6). High density housing is suggested near the large vacant site designated for open space in the General Plan. Regional multi-purpose trails are planned along the flood control channel and along the rail alignment which would connect the existing residential neighborhood to the north, new high-density housing, and employment uses to the station. This land use concept will require a revision of the City's General Plan around the station and along Mill Street to allow for residential and mixed use near the station, existing school and planned open space. Figure 1-7 is one illustrative concept which follows the general policies, general guidelines and land use concept.

Land Use Policy Recommendations

Land use policies include:

- Use the overall land use policies and TOD guidelines in Chapter 2 – Section 2.2 of this report to plan and design each project and the public realm streetscape.

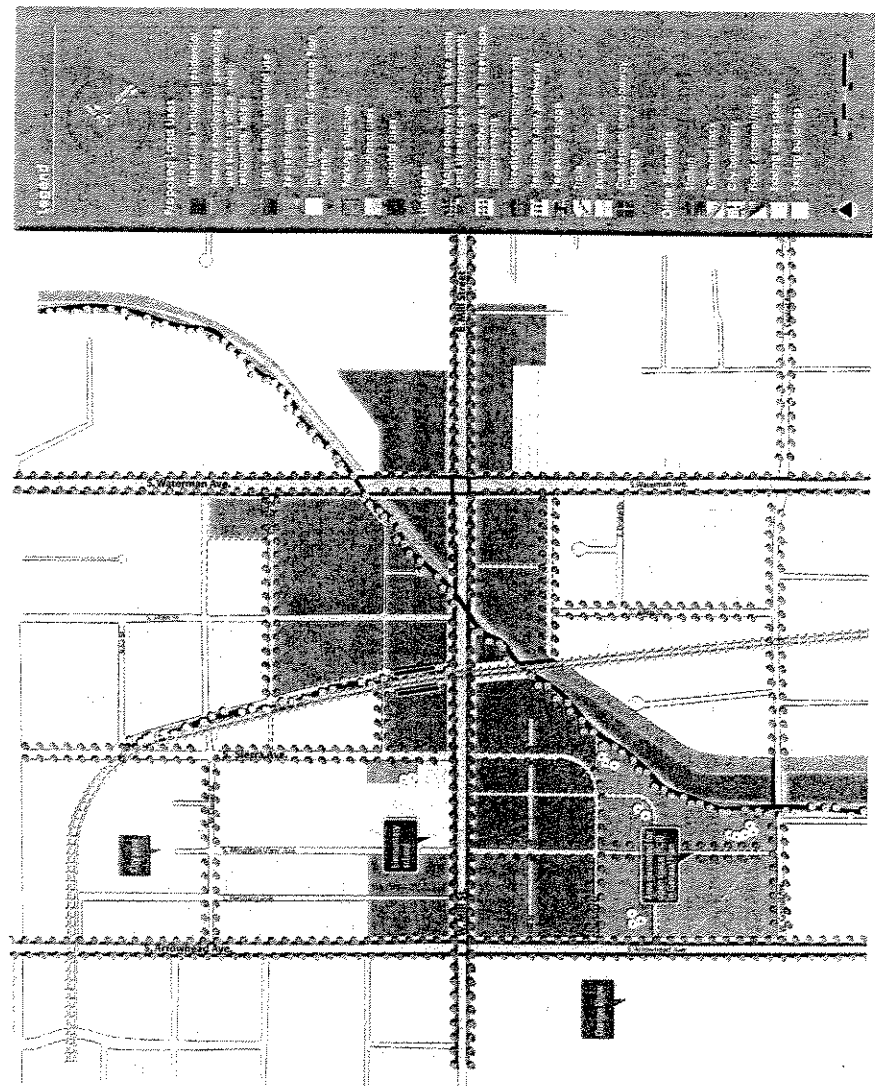


Figure 1-6: Land Use and Linkage Concept for the Mill Street Station

- Locate station north of Mill Street with an adjacent public gathering space to create a vibrant, active central focus for the area.
- Plan for mixed-use, housing, and more intensive employment generating uses including:
 - Mixed use on both sides of Mill Street between Arrowhead and the flood control channel
 - High density residential uses at a minimum of 24 units/acre concentrated adjacent to the recreation area designated in the General Plan

- High employment generating uses such as offices on both sides of Waterman Avenue
- Provide incentives for densities up to 54 units/acre, FARs to 2.0, and building heights up to five stories for redevelopment of underutilized parcels to more transit supportive uses with amenities focusing on uses near the station.

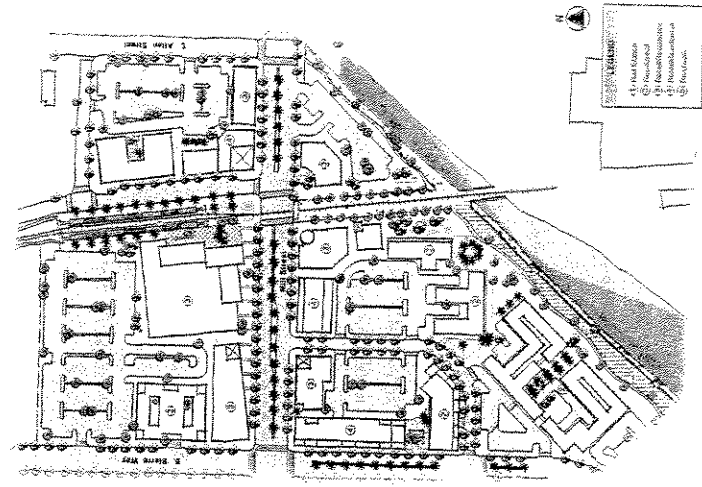


Figure 1-7: Illustrative Concept for a portion of the Mill Street Station Area

- Provide incentives for owner-occupied residential development with appropriate amenities. Incentives could include increased

density, increased height, reduced parking, and expedited processing.

- Encourage low intensity employment uses such as warehousing and distribution centers to locate outside the ½ mile area.
- Discourage new uses with outdoor storage, sales, and services in the mixed-use areas.
- Provide buffering concepts between airport-oriented employment uses and residential uses when appropriate.

Figure 1-8 shows massing for the Mill Street station area with buildings lining Mill Street, the station area, and the flood control channel.

Circulation and Linkage Policy Recommendations

Circulation and linkage policies include:

- As called out in the San Bernardino Countywide Bicycle Map and as projects develop, link and phase the construction of a multi-purpose trail along the flood control channel leading to the station.
- Provide a trail system in the railroad right-of-way where possible to link the station to the existing single-family neighborhood in the northern portion of the station area. As railroad right-of-way is only 50 feet, also create a landscaped linkage adjacent to the right-of-way and along north-south streets.

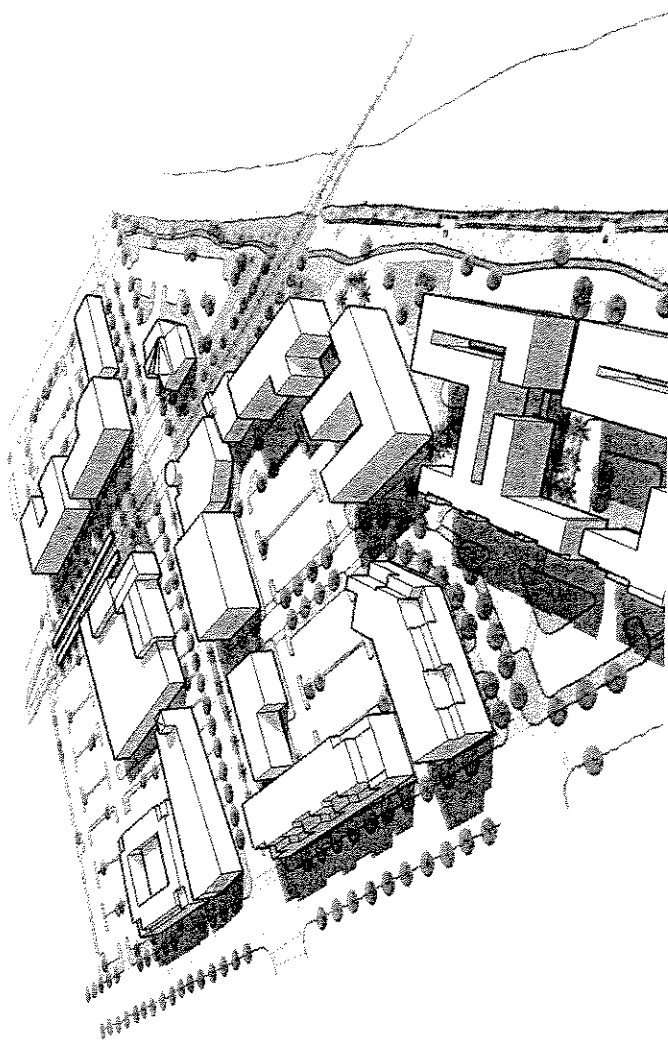


Figure 1-8: Suggested Massing for Mill Street Station Area at 1.0 FAR

- Along Mill Street, provide attractive streetscape improvements including sidewalks of 12 ft to 15 ft wide and tall street trees of a similar species along Mill Street to change the overall character of the area and provide pedestrian access from the station to the Orange Show and new mixed-use developments. Also implement the planned countywide bicycle paths on Mill Street.
- Provide landscaped pedestrian connections and crosswalks to the elementary school from the residential areas.
- Implement streetscape improvements on Arrowhead and Wateman Avenues to improve visual and pedestrian connections as well as the planned countywide bicycle paths on these streets.

- With new development, create new landscaped roadways with pedestrian improvements.
- Rerouted local bus service to the station.

Implementing Policies

- Change General Plan "Heavy Commercial" near the station to a more transit-supportive land use designation which includes mixed-use, high density housing, office uses, and other more intensive employment uses.
- Develop incentive program for amenities needed in the area.
- Consider Economic Development Agency assistance in creating a catalyst project with a residential component in the ¼ mile area around the station which is of sufficient size to change the overall character of the area and is developed concurrent with the station.

- Create a set of incentives for the city to attract quality development as a signature public/private project for the Mill Street area such as reduction in permit fees, expedited permit process, parking reductions when transit is in construction, density and intensity bonuses, and lot consolidation.

- Provide incentives for high employment generating uses within ½ mile of the station area in cooperation with IVDA.

TIPPECANOE AVENUE

Goals and Objectives

The goals and objectives for planning the Tippecanoe transit village include:

- Plan for more intensive employment uses including offices, and retail, restaurants, and entertainment uses linked to the station.
- Infill the existing residential neighborhood creating compact development with direct linkages to the station.
- Make Tippecanoe Avenue an attractive multi-modal boulevard with tall trees, wider sidewalks, shuttle and bus service, pedestrian amenities, in addition to improved vehicular carrying capacity.
- Utilize the existing flood control channel as a multi-purpose trail.

Land Use Concepts and Linkages

The land use and linkage concept envisioned for the Tippecanoe Station is to continue employment based development in the northwest, northeast, and southwest quadrants of the station area, however focusing new development on more intensive employment generating uses such as offices, restaurants, and retail rather than industrial uses (Figure 1-9). These employment generating uses, when developed, should be designed with clear pedestrian pathways to an

improved Tippecanoe Avenue which would then lead directly to the station.

Infill existing residential neighborhood to maximum densities permitted in the General Plan, and provide landscaped pathways along collector streets leading to Tippecanoe Avenue and a new landscaped linkage along the flood control channel.

Tippecanoe Avenue is improved as a boulevard with tree-lined walkways on either side to protect the pedestrian, landscaped medians, new bridge improvements, new ramps, decorative crosswalks, new travel lanes, restaurant, and neighborhood serving retail along the east side replacing the existing deteriorated structures. These new buildings would face the new landscaped walkways along Tippecanoe and parking is in the rear with landscaped walls buffering the parking from the residential.

Figure 1-10 is an illustrative concept with

Tippecanoe Avenue improved with tree-lined pathways and new employment generating uses located close to these pathways which link directly to the station fostering walking to jobs and to housing.

Land Use and Policy Recommendations

Land use policies include:

- Use the overall land use policies and TOD guidelines in Chapter 2 – Section 2.2 of this report to plan and design each project and the public realm streetscape.
- Locate the rail station on west side of Tippecanoe Avenue with a public gathering space adjacent and an optional pedestrian bridge over the railroad tracks and flood control channel.

- Plan for development of older industrial uses within ¼ mile of the station into employment intensive uses (that have ratios in the 250-400 square foot per employee range) such as office, retail, and restaurants.
- Consider hotel use incorporated with a new retail, office complex within ¼ mile of the station.
- Infill existing residential neighborhood

with new residential units at the maximum densities currently permitted in the General Plan.

- Provide incentives for owner-occupied residential development with appropriate amenities. Incentives could include high density, reduced parking, and expedited processing.
- Along the east side with a frontage along Tippecanoe Avenue, attract neighborhood serving uses such as retail, restaurant, and live-work units that are designed to face the landscaped parkway along Tippecanoe Avenue, and parking in underground or in the rear.
- Before the Redlands Rail is constructed, allow reduced parking standards within ¼ mile of the station if reduced demand is demonstrated by a shared parking study. Once transit is constructed, consider intensifying existing parcels by adding new buildings with reduced parking standards.

Circulation and Linkage Policy Recommendations

Circulation and linkage policies include:

- Provide shuttle drop-off and kiss and ride at the station.
- Make streetscape improvements including landscaping, improved sidewalks and enhanced crosswalks along Ferec Street,.

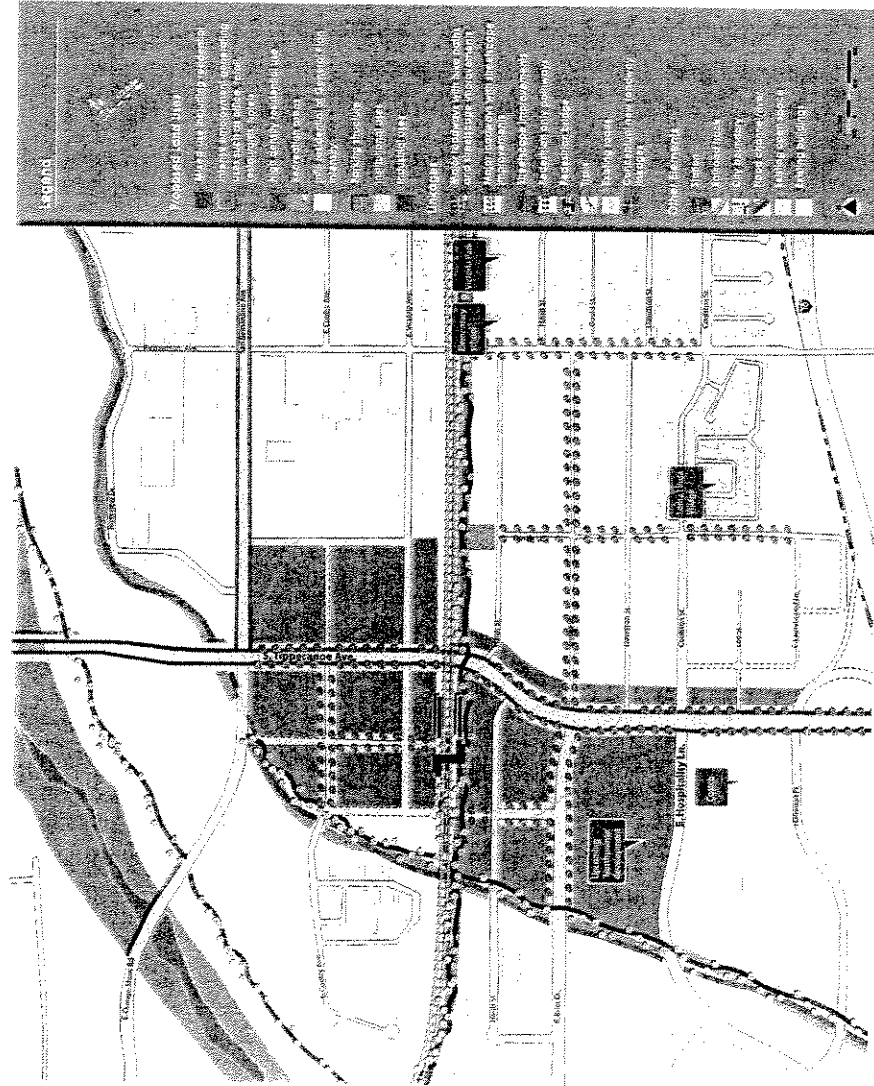


Figure 1-9: Land Use and Linkage Concept for the Tippecanoe Avenue Station

Gould Street and Coulston Street linking the existing residential neighborhood to pedestrian pathways along Tippecanoe Avenue

- Plan Tippecanoe Avenue as a multi-modal boulevard which is not only for vehicular traffic lanes but also for shuttle service to the airport and Loma Linda, and for canopy tree-lined, pedestrian pathways on either side of the travel lanes leading to the passenger rail station. Tippecanoe Avenue pedestrian pathways would link Hospitality Lane development, the upcoming Northpointe development, and the residential neighborhood. This is most critical as Tippecanoe Avenue is currently the only street in the station area crossing the railroad tracks and has heavy truck traffic. The solution may entail acquisition of additional right-of-way along Tippecanoe Avenue and/or requiring setbacks and easements on adjacent private property to accommodate attractively landscaped pedestrian pathways.

- Develop a landscape trail along the existing flood control channel and/or rail right-of-way providing east/west access to the station.

- Within new development, create new landscaped roadways with pedestrian improvements.

- Reroute local bus service to the station.
- Provide feeder bus routes serving SEIA and Loma Linda.

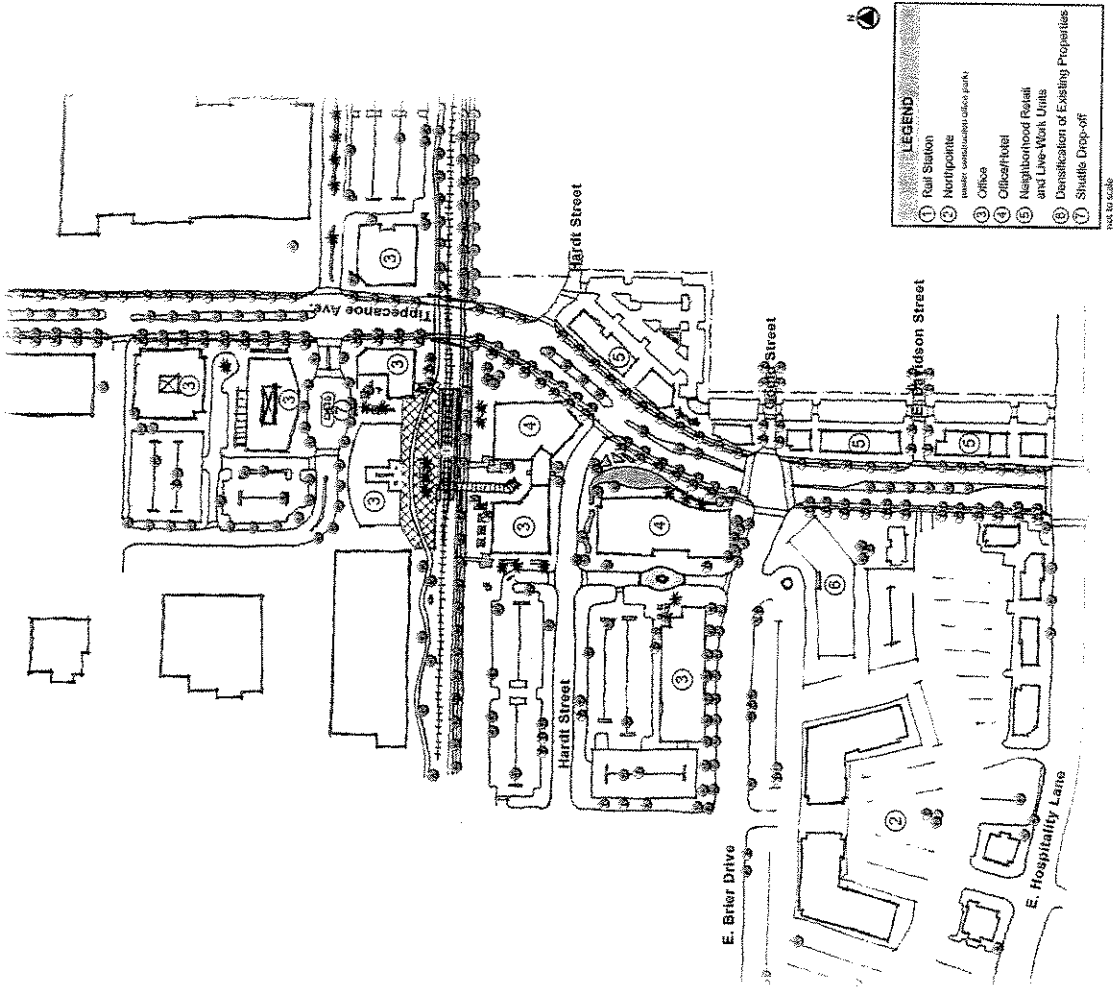


Figure 1-10: Illustrative Concept for Tippecanoe Station Area Development

Implementing Policies

The following implementing policies are suggested for the City's consideration:

- The City of San Bernardino shall provide urban design input to any widening plans for Tippecanoe Avenue to ensure that ample sidewalks and landscaping are provided on both sides of the boulevard and across the flood control bridge.
- Amend the General Plan to change the area within $\frac{1}{4}$ mile of the station currently designated IL to more intensive employment uses and with higher FARs which as similar to the FARs permitted along Hospitality Lane.
- Establish a minimum density of 17 units/acre for future development in the existing residential neighborhood within $\frac{1}{2}$ mile of the station and encourage development to maximum density permitted.
- Modify the development standards of CR-3 or create a new TOD designation and zone to allow for more "urban" development with buildings in the front, parking in the rear, parking structures, stacked uses, reduced setbacks and higher FARs in exchange for more pedestrian amenities and community improvements.
- Work with the San Bernardino International Airport and the City of Loma Linda in creating a shuttle system from the station to these areas.

CALIFORNIA STREET

Goals and Objectives

The goals and objectives for planning the California Street transit village include:

- Redevelop the area bounded by California Street, Redlands Boulevard, the railroad tracks and New Jersey Avenue to establish a new mixed-use designation organized around a "town-center" green with the rail station as a focus and with strong linkages to the surrounding neighborhoods.
- Plan for more intensive employment uses north of the freeway with linkages to the planned rail station.
- Provide clearly defined and attractive landscaped pedestrian and bicycle linkages between the planned mixed use development south of Redlands Boulevard in Loma Linda and the planned rail station.

Land Use Concepts and Linkages

The land use concepts envisioned for the California Street station area emphasize mixed use south of I-10 freeway and intensive employment uses north of the freeway (Figure 1-11). The passenger rail station, planned to the east side of California Street would be located next to the grove of trees and adjacent to an existing shopping center which currently has big box retail (Wal-Mart and Food 4 Less)

and surface parking. This shopping center could be transformed into more transit-supportive uses including a mix of shops, restaurants, entertainment venues, community facilities, and housing organized around attractively landscaped outdoor pathways interconnecting with the station and a public gathering space for the surrounding neighborhoods. Building height would vary from two to five stories and a parking structure would serve the center and transit. The character could be similar to Victoria Gardens, the Claremont Village or downtown Fullerton.

Also new streetscape improvements along California Street and Redlands Boulevard would link the new mixed use development planned in Loma Linda and employment intensive uses north of the freeway with the station. Trails planned along the flood control channel would also link developments in $\frac{1}{4}$ -mile area of the station.

Figure 1-12 illustrates one possible layout reflecting the land use and linkages concept. Many other layouts are feasible using the same policies.

Land Use and Policy Recommendations

Land use policies include:

- Use the overall land use policies and TOD guidelines in Chapter 2 – Section 2.2 of

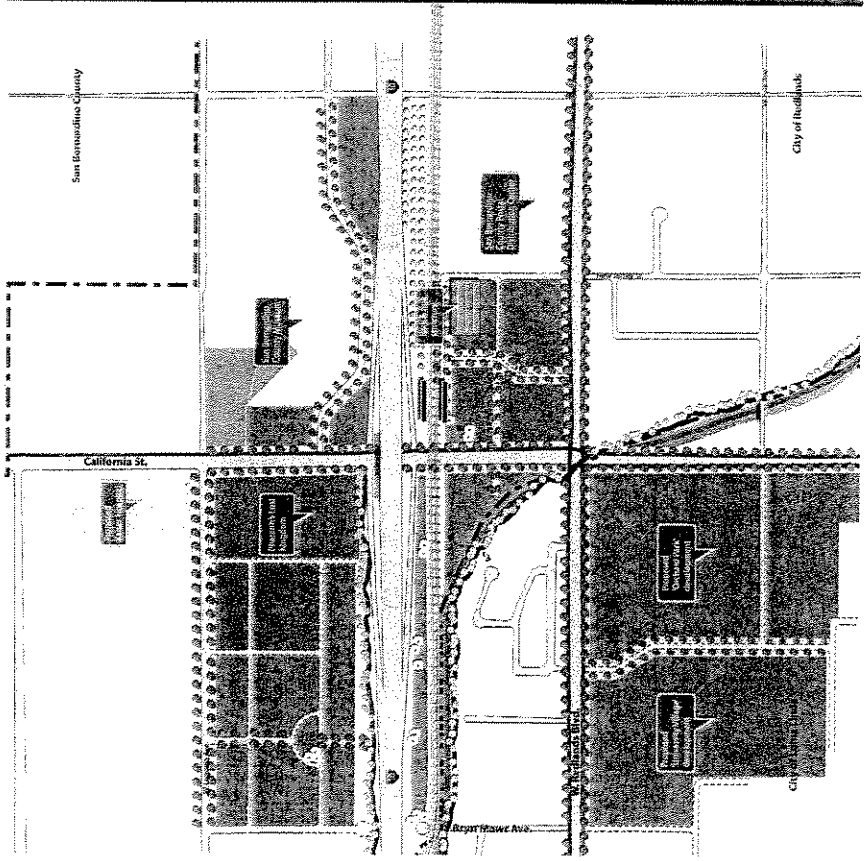
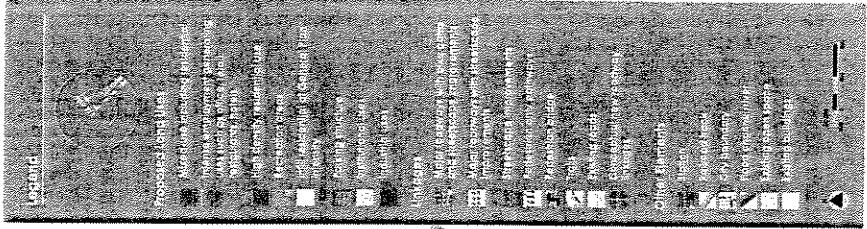


Figure 1-11: Land Use and Linkage Concept for the California Street Station



- sidewalks, and pedestrian pathways/open spaces lined with shops and restaurants leading to the station.
- Locate residential units which are a part of a mixed-use center at least 300 ft away from the I-10 freeway right-of-way and at greater distances if necessary to address noise and air quality concerns.
 - Vary the building mass of the mixed use center adjacent to the station with two or three stories in height near Redlands Boulevard and up to four stories in height in the center of the site.
 - To place more jobs near transit, develop areas north of the freeway which are designated for commercial or commercial/industrial uses in the General Plan at minimum employee ratios of 300 SF/employee and at maximum intensities (or higher intensities) permitted in the East Valley Specific Plan.
 - As nearby transit reduces a household's need for multiple automobiles, reduce the residential parking requirements for a project which is part of a mixed use center and is within ¼ miles of the rail transit station. This reduction could be facilitated by sharing the residential parking required for guests with transit park and ride spaces and by requiring only one covered parking space to be assigned for residential units and the other required spaces shared with commercial and transit uses. In this case, a shared use study

this report to plan and design each project and the public streetscape along with the East Valley Corridor Specific Plan.

- Redevelop the area between California Street, New Jersey Avenue, the railroad tracks and Redlands Boulevard as a mixed use catalyst project with neighborhood retail, food

stores, restaurant, multi-family housing, entertainment, community facilities, other neighborhood serving, other transit supportive uses, and parking shared between the development and transit riders. Include a public gathering place/focal point at the station, a shared parking structure for park and ride, kiss and ride, wide landscaped

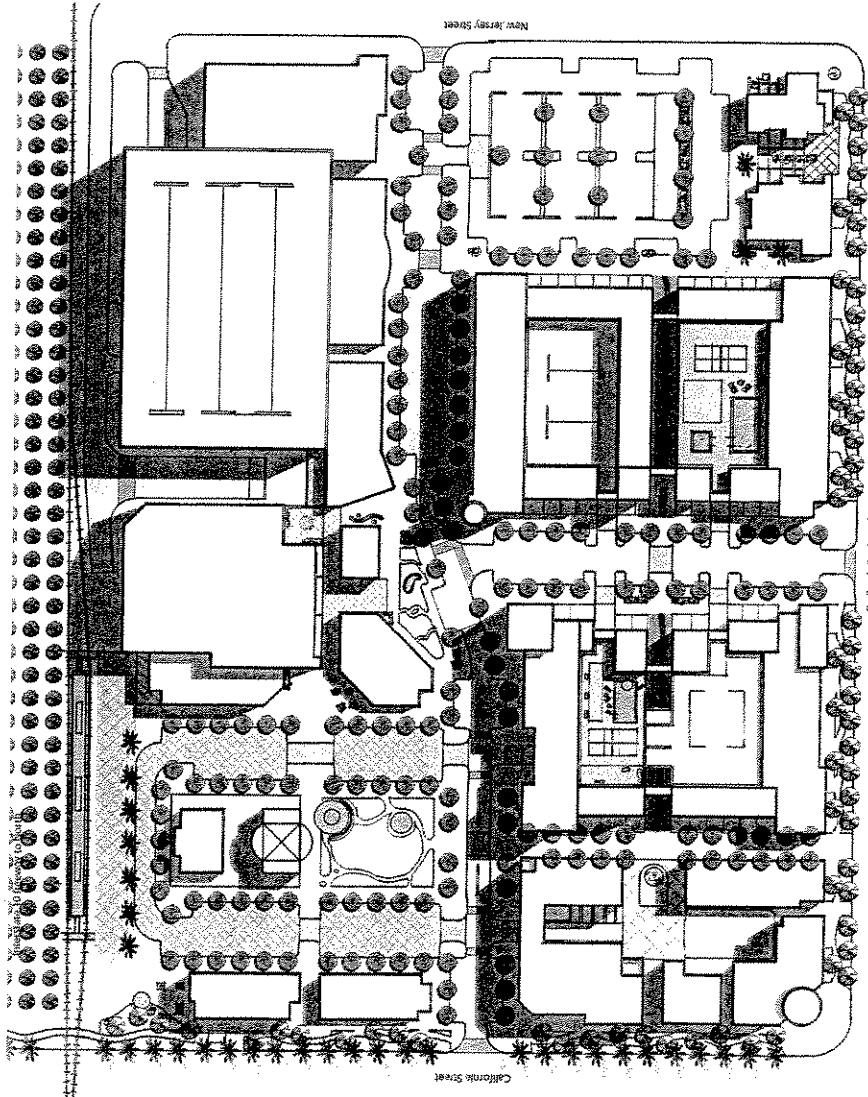


Figure 1-12: Illustrative Concept for the California Street Station Area

should be prepared describing the shared nature of parking for proposed uses.

- Plan high employment uses on areas north of the freeway which were used for agricultural uses in 1987.

with streetscape improvements in adjacent 30 foot setback areas.

- For California Street, modify the community design concept in the East Valley Corridor Specific Plan which shows a six-foot wide sidewalk at the curb by placing the palms near the curb in a parkway and a widened sidewalk to improve the pedestrian's safety and connections from the neighborhood. In addition, keep the Class I bike path recommended in the Specific Plan.
- For Redlands Boulevard in the mixed-use area, the parking setback should not be less than the building setback as this encourages parking along the street. Allow the setbacks to the buildings in the mixed-use area to be reduced when shops and restaurants and their entrances face Redlands Boulevard's sidewalks and a landscaped pedestrian-friendly character as envisioned in the City's plans is retained.
- Plan the intersection and pedestrian crossings of California Street and Redlands Boulevard and the flood control channel to facilitate pedestrian access to the rail station.
- Plan for the improvement of the pedestrian under crossing of the freeway for wider pedestrian crossings which are well lit.
- Incorporate the multi-purpose trail planned along the flood control channel in developing any adjoining development.

Circulation and Linkage Policy Recommendations

Circulation and linkage policies include:

- Improve both California Street and Redlands Boulevard which are designated in the City's plans as 120 ft wide major arterials

- Each project developed in the area should incorporate clearly defined pedestrian connections and signal pedestrian connections to the stations.
- Provide feeder bus route serving developed area north of I-10.

Implementing Policies

- Make necessary improvements to the General Plan, East Valley Corridor Specific Plan and Zoning to permit mixed use at densities and floor area ratios consistent with other transit-oriented developments in other cities and to implement the above policies.
- Create a new mixed-use land use category as a part of the East Valley Corridor Specific Plan or modify existing commercial category which permits commercial and residential uses with densities up to 27 units/acre and FARs up to 2.0 in the station areas if community benefits such as station canopy, station amenities, special landscaping, pedestrian improvements and community uses are provided.
- Work with Caltrans on ramp improvements, signalization, station locations, pedestrian crosswalks along California Street, and landscape treatment to ensure that overall TOD character envisioned is achieved.
- As Redlands has a growth limit of 400 units per year, a phased approach to station area development should be considered with

downtown as first priority and then priority given to TOD projects in other station areas which provide public benefits and amenities such as public gathering spaces, park-and-ride spaces, station construction and amenities, a substantial number of jobs, and high density owner occupied housing with outdoor recreational space.

ALABAMA STREET

Goals and Objectives

The goals and objectives for planning of Alabama Street station area include:

- Revitalize the Tri-City Shopping Center and adjoining properties as a more pedestrian-friendly and transit-supportive development.
- Introduce high-density housing opportunities focused on new major open space within ½-mile of the transit station.
- Provide a trail along the railroad tracks where, feasible and improve streetscapes to transform the character and link adjoining development to the station.

Land Use Concepts and Linkages

The land use and linkage concept envisioned for the Alabama Street Station emphasizes mixed-use at the Tri-City Shopping Center site and along Redlands Boulevard as well as multi-family residential focused around a new

open space. This overall concept, illustrated in Figure 1-13, anticipates that the location of specific land uses will be refined as a part of the City of Redlands General Plan update.

In this concept, Colton Avenue is realigned per the City's plan to intersect with Redlands Boulevard at a 90 degree intersection to reduce traffic congestion at the five legged Alabama Street and Redlands intersection. The station would be located directly to the north of Colton Avenue and integrated into the proposed revitalized Tri-City development.

The Tri-City redevelopment envisions a walkable environment organized along a main street with wide landscaped sidewalks and ample pedestrian amenities similar to the promenades in Santa Clarita, Victoria Gardens or Santa Monica. A paseo/pedestrian pathway would link the station to this main street and to the proposed housing and mixed-use development in the remainder of the area.

Land Use and Policy Recommendations

Land use policies include:

- Use the overall land use policies and TOD guidelines in Chapter 2 – Section 2.2 of this report to plan and design each project and the public realm streetscape

- Locate the rail station east of Alabama Street and north of Redlands Boulevard where the right-of-way is 100 feet wide.
- Plan for redevelopment of the Tri-City Shopping Center into a mixed-use center with department stores, retail shops, restaurants, entertainment uses, offices, housing, and other neighborhood service uses organized around a main street and intersecting

- pedestrian pathways. This main street shall have wide tree-lined sidewalks with ample pedestrian amenities. A strong pedestrian connection should be provided from this "main street" to a public gathering space adjacent to the planned rail station.
- Locate residential units which as part of a mixed use area are at least 300 feet away from the I-10 freeway right-of-way and at

greater distances if necessary to address noise and air quality concerns.

- Plan for mixed use along Redlands Boulevard replacing existing auto oriented uses.
- When appropriate, incorporate larger retail businesses in new developments, such as supermarkets and home improvement stores while adding transit supportive uses.
- Plan for mixed-use development along Redlands Boulevard west of Alabama Street replacing existing auto-oriented development:
 - Buildings and their entrances should be located close to Redlands Boulevard with parking in the rear, underground, or in an above-ground parking structure. (See guidelines in Chapter 2 for treatment of parking.)
 - Existing retail uses such as supermarkets and home improvement stores may be incorporated into redeveloped sites in addition to more transit supportive uses such as a small retail shops, restaurants, and housing
 - Plan for multi-family, high-density residential development south of Colton Avenue focused on a new green space with active and passive recreational uses. Provide special landscaping treatment such as screening walls and berms to buffer multi-family from adjacent planned industrial uses and the city yards.

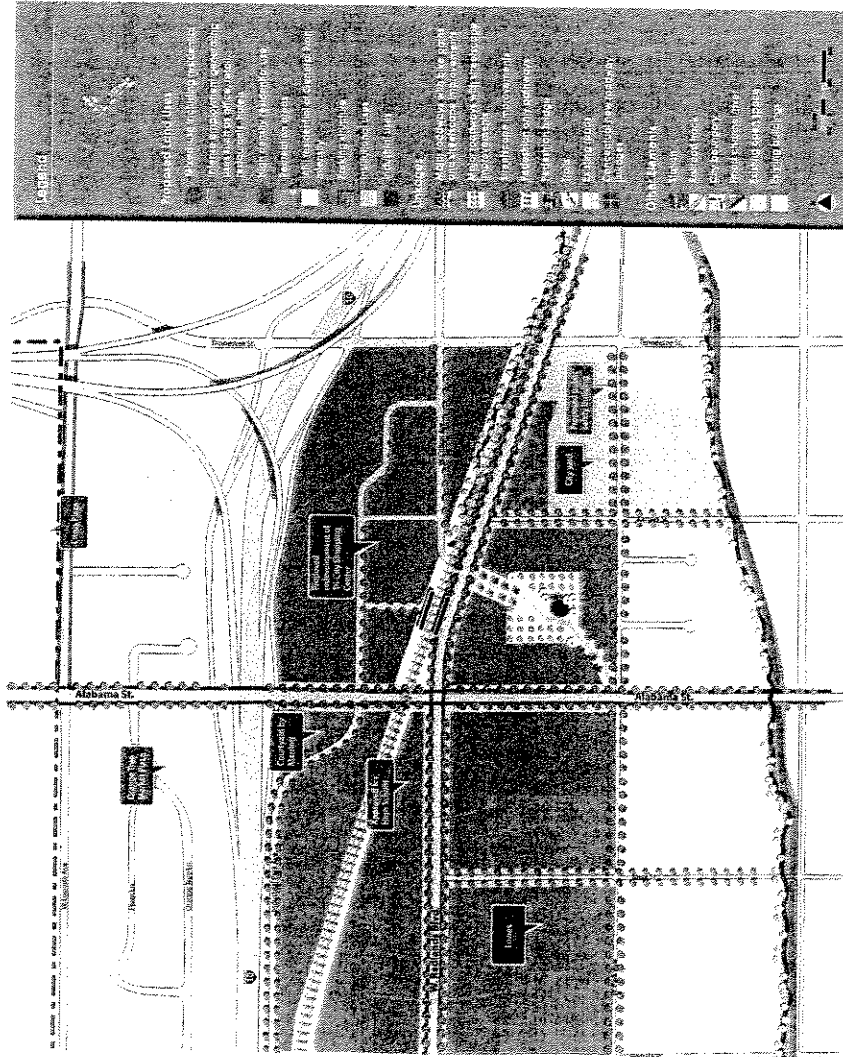


Figure 1-13: Land Use and Linkage Concept for the Alabama Street Station

- As nearby transit reduces a household's need for multiple automobiles, reduce the residential parking requirements of a project which is part of a mixed-use center which is within ¼ mile of a transit station. This reduction could be facilitated by combining residential parking required for guests with commercial parking and by requiring only one covered space assigned to a unit. The other required residential parking space could be shared with commercial or office uses. In this case, a major project should prepare a shared use parking study describing the shared nature and management of this parking.

Circulation and Linkage Policy Recommendations

Circulation and linkage policies include:

- Reconfigure Colton Avenue to intersect with Redlands Boulevard at 90 degrees.
- Provide pedestrian crossing of Redlands Boulevard at this realigned Colton Avenue to link areas south of Redlands Boulevard with the station.
- Improve both Alabama Street and Redlands Boulevard which are designated in the City's plans as 120-ft wide major arterials with streetscape improvements in the adjacent 25 ft to 30 ft setback areas.
 - For Alabama Street in the mixed-use area, the parking setbacks should not be less than the building setbacks as this

encourages parking adjacent to the street. Allow the 30-ft setbacks to buildings be reduced when shops and restaurants and their entrances face Alabama Street's sidewalks and the pedestrian character envisioned is provided.

- For Redlands Boulevard in the mixed use areas, the parking setback should not be less than the building setback to encourage buildings along the street, not parking. Allow the setbacks to buildings in the mixed use areas be reduced when shops and restaurants and their entrances face Redlands Boulevard's sidewalks and a landscaped pedestrian-friendly character as envisioned by the City's plan is retained.

- Each project developed in the area should incorporate clearly defined landscaped pedestrian connections to Redlands Boulevard and Alabama Boulevard and on to the station.
- Provide feeder bus service to developed area north of I-10.

Implementing Policies

- Modify the General Plan and East Valley Corridor Specific Plan to permit mixed use and housing in the area at transit-supportive densities and intensities.

- Provide density and intensity incentives in these plans for adjoining developments to construct the rail station and pedestrian amenities around the station and paths leading to the station.
- Work with property owners and the redevelopment agency of the City of Redlands to consolidate properties to create catalyst mixed use centers which integrate transit supportive uses and densities in a pedestrian-friendly environment linked to the station.
- Phase redevelopment of other properties for mixed use over time as development become obsolete incorporating existing business such as home improvement stores, a supermarket in a more walkable environment with more transit supportive uses, and parking structures for more compact development.
- As Redlands has a growth limit of 400 units per year, a phased approach to station area development should be considered with downtown as first priority and then priority given to TOD projects in other station areas which provide public benefits and amenities such as public gathering spaces, park-and-ride spaces, station construction and amenities, a substantial number of jobs, and high density owner occupied housing with outdoor recreational space.

ORANGE STREET

Goals and Objectives

Consistent with the Downtown Redlands Specific plan and the Draft Downtown Plan, the goals and objectives are:

- Centrally locate the station in downtown to provide optimum service and provide improved linkages to the station.
- Promote Downtown Redlands economic vitality by encouraging a mix of uses.
- Create a pedestrian-oriented environment.
- Maintain and enhance a distinct Redlands' character.
- Enhance and extend the civic realm.
- Provide public improvements that will attract new private investment and economic development.
- Preserve historic buildings and sites.

Land Use Concepts and Linkages

The Station Integrated With Development and Park and Ride in a Shared Structure

The station location selected is near Orange Street and its final configuration would depend on available right-of-way adjacent to the existing rail right-of-way and technical

considerations to be investigated further during the preliminary engineering phase. Based on available information, configurations to consider:

- West of Orange Street right-of-way maps indicate an existing width of 35.9 feet. To fit the station within the right-of-way, a split platform station would be necessary with the east bound platform east of Orange Street and the west bound west of Orange Street.
- Or preferably if an additional 10 – 20 ft of right-of-way is obtained adjacent to the station, both platforms could be on the west side of Orange Street and integrated with the existing and planned development near the Krikorian Theater. As an alternative, with participation from the adjoining property owners, the historic Santa Fe station could be used as one of the platforms with another platform constructed to the north.
- The new planned parking structure to the north of the rail right-of-way should contain some parking spaces for park and ride. If the development occurs before the rail project with its required parking, some of the parking may be able to be shared or allocated to park-and-ride in the future with the additional access provided by the rail development. SANBAG, the city officials, and private development will need to coordinate on the allocation of funding for parking. An additional structure east of Eureka Street could have additional spaces, if required. For opening

day of the rail project, parking could be provided in surface lots, if available. Parking and traffic issues will be further analyzed during the environmental impact stage of the rail project.

Land Use and Station Area Connectivity

The land use concept envisions the station integrated with the activities planned adjacent to the existing Krikorian Theater. Figure 11-4 in Chapter 11 shows an early plan for expansion of the Krikorian Theater by the developer and the surrounding area as mixed use with retail shops, restaurants, offices, and housing center along a pedestrian-friendly street connecting Eureka Street and Orange Street. Throughout the development would be courtyards and plazas, adjoining the sidewalks with canopy trees, and other pedestrian amenities. The station shown in red could fit into the planned plaza, providing easy access to the development and surrounding areas. Patrons could either walk along the pedestrian street or through the historic station to the uses east of Orange Street.

Figure 11-5 in Chapter 11 shows the Draft Downtown Plan prepared by Tori Gallas with suggested modifications relative to the Redlands Passenger Rail indicated at the top of the drawing. These include a more intense mixed-use development west of Eureka Street, continue the rail and include trail to the

University of Redlands along the right-of-way, and future mixed-use at 7th Street and Stuart Street with pedestrian access to the rail station via the new trail within the right-of-way where feasible.

Linkages to the station area would be along the city sidewalks enhanced with streetscape improvements. Sidewalk improvements along Redlands Boulevard would provide access to ESRI and other businesses to the west.

Land Use and Policy Recommendations

Land use policies include:

- Use the overall land use policies and TOD guidelines in Chapter 2 – Section 2.2 of this report to plan and design each project and the public streetscapes.
- Locate the station between Orange Street and Eureka Street with a strong pedestrian connection to the adjoining development, with park and ride spaces in a shared parking structure north of the railroad tracks which would have a grade separated pedestrian crossing of the tracks, a pedestrian gathering space adjacent to the station, and kiss-and-ride.
- Consistent with the uses proposed in the Draft Downtown Plan and Downtown Specific Plan, locate mixed use and other transit

supportive uses and create a pedestrian-friendly environment in the station area.

- As nearby transit reduces households need for multiple automobiles, reduce the residential parking requirements of a project which is within ½ mile of the passenger rail transit station. At least one covered assigned parking space shall be provided per residential unit and any additional spaces assigned per units could be shared with commercial and transit uses. The precise amount of shared parking should be proposed and supported by a shared parking study prepared by a licensed traffic engineer.

Circulation and Linkage Policy Recommendations

Circulation and linkage policies include:

- Improve streetscape and sidewalk connections along Redlands Boulevard along 3rd Street leading from Redlands Mall to the station along Orange Street to State Street and north under the freeway along Eureka Street and Stuart Street.
- Incorporate a multi-purpose trail in the right-of-way west of Orange Street to link future developments of this are with the station.
- Each project developed in the area should incorporate clearly defined pedestrian connections to the station.

Implementing Policies

- Revise the General Plan and Downtown Specific Plan as necessary to allow mixed-use, densities up to 27 units/acre, FARs to 2.0, and building height to five stories within the station area if mixed use guidelines are followed and community benefits such as right-of-way for the station, station canopy, other station amenities, special landscaping, park and ride spaces, other pedestrian-linkage improvements or transit supportive uses are provided.
- Work with the City's redevelopment agency and the property owner/developer of the property adjacent to the Orange Street station for additional right-of-way and to integrate the stations with the planned development.
- As Redlands has a growth limit of 400 units per year, a phased approach to station area development should be considered with downtown as first priority and then priority given to TOD projects in other station areas which provide public benefits and amenities such as public gathering spaces, park-and-ride spaces, station construction and amenities, a substantial number of jobs, and high density owner occupied housing with outdoor recreational space.

UNIVERSITY OF REDLANDS

Goals and Objectives

Goals and objectives for the University of Redlands station include:

- Locate the station adjacent to the University of Redlands with strong linkages to the campus academic and residential areas.
- Plan for the maximum residential densities permitted in the City of Redlands General Plan in the ½ mile radius of the station.
- Incorporate trails in the station area that link with the planned required trail system and the Zanja.

Land Use Concepts and Linkages

The land use and linkages concept envisioned for the University of Redlands Station Area places the station in the 100 ft wide rail right-of-way between Cook Street and Grove Street (Figure 1-14).

The vacant area directly to the north of the station on University property would be developed for transit-supportive uses such as faculty housing and the vacant areas not owned by the University east of Grove Street and south of the Zanja as high density housing as shown on the City's General Plan.

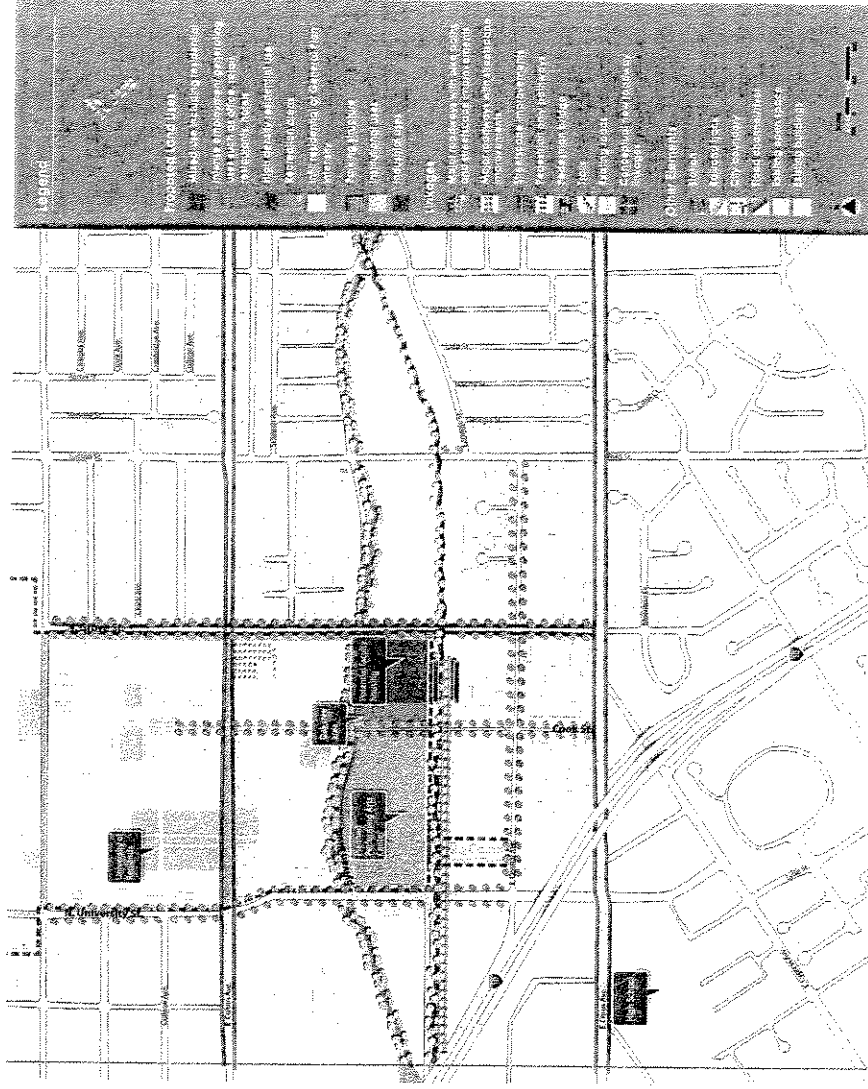


Figure 1-14: Land Use and Linkage Concept for the University of Redlands Station

Cook Street alignment north and south of the station could be improved by the University with landscaping, and pedestrian amenities linking the University and the surrounding areas to the station. Sylvan Boulevard, the Zanja, and trail connections along University Street and Grove Street would serve new development and link to the station. Due to

the wider rail right-of-way, trail connections could be within the right-of-way linking to the regional trail/bicycle system. It is also proposed that some land north of railroad tracks incorporate some of the existing oak trees which are an important community resource.

Land Use and Policy
Recommendations

Land use policies include:

- On University properties in the station area, provided transit supportive uses such as faculty housing, the planned Art Center and theater, and other residential uses at a minimum density of 20 units/acre.
- On private property in the station area, provide minimum density which is close to or equivalent to the City's maximum density permitted in each General Plan designation.
- Incorporate natural features of the site such as oak trees and the Zanja in planning new developments.

Circulation and Linkage Policy
Recommendations

Circulation and linkage policies include:

- Provide space for a trail along the rail right-of-way linking the station and University with the Santa Ana River trail system.
- Work with University to design a strong pedestrian connection along Cook Street north and south of the station.
- Incorporate a public gathering space near the station preserving some of the existing oak trees near Cook Street and the station.

- Plan for improvements to Sylvan Street for access in conjunction with developments planned on University property and incorporate preservation of the Zanja.

- Make pedestrian and other streetscape improvements on Grove Street, University Street, Central Avenue, and Cypress Avenue.
- Provide feeder bus service to the University area.

Implementing Policies

- SANBAG and the City to work with the University of Redlands during its master plan process to ensure that land use, streetscape and linkage concepts on University properties are supportive of the Redlands Rail Passenger Study.

- Establish a minimum density for the City's land use designations in the station area. Currently, the General Plan has designations from 0 to 27 units/acre. A minimum density in the range of 20 units/acre would be appropriate.

1.8

RIDERSHIP

The land use concepts and the associated land use recommendation for each station area lead to a more intensified development scenario than the current SANBAG baseline suggests for these station areas. The development potential for the intensified

scenario is measured and compared to the baseline alternative for population (Table 1-1), employment (Table 1-2) and housing units.

Table 1-1: Population Potential in Station Areas by Land Use Scenario		
	Land Use Scenario	
	Baseline	Intensified
E Street	16,558	29,800
Mill	352	4,900
Tippecanoe	5,546	5,500
California	3,906	5,800
Alabama	0	3,800
Orange	6,655	Similar to Baseline
University	4,556	6,100

Table 1-2: Employment Potential in Station Areas by Land Use Scenario		
	Land Use Scenario	
	Baseline	Intensified
E Street	27,880	27,900
Mill	12,072	17,500
Tippecanoe	11,738	17,300
California	8,514	10,300
Alabama	9,535	13,000
Orange	28,709	Similar to Baseline
University	1,078	Similar to Baseline

The baseline alternative assumes that development on available vacant land will progress to the maximum standards based on

the current planning documents. The intensified development alternative assumes that in presence of a modern and higher capacity transit system, the projected growth in city areas would get redistributed to concentrate in the station areas at intensified levels. In fact this connection between land use and transportation is the very premise for this station area planning study.

Table 1-3 shows the travel demand forecasts for the Redlands Rail Corridor for the baseline and intensified development scenarios.

Table 1-3: Station Activity by Land Use Scenario and Parking Demand		
	Land Use Scenario	
	Baseline	Intensified
Daily Riders	7,410	11,410
Station Activity (Boarding + Alighting)		
E Street	4,670	6,870
Mill	910	2,060
Tippecanoe	1,220	2,400
California	2,570	3,440
Alabama	1,280	2,010
Orange	2,710	4,220
University	1,450	1,800
Park-and-Ride Demand (Spaces)		
E Street	40	90
California	370	480
Orange	260	300

It is observed that the ridership projections increase by as much as 53% for the

intensified development alternative. Table 1-3 also shows park-and-ride demand for the station sites in 2030.

The above tables and the comparative numbers indicate that a TOD is a complex mix of urban uses and amenities that are symbiotically correlated to a higher capacity transit systems. A TOD is able to support a dense population and employment because of an efficient transit system that can bring in and take out people quickly without relying on the car and surface roads in entirety. At the same time, these larger concentrated populations, businesses and amenities support the transit system through increased travel demand and make it feasible for investment and operation.

-
- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies
-

Minute Action

AGENDA ITEM: 33

Date: April 4, 2007

Subject: Employee Salary and Benefit Adjustments for 2007/2008

Recommendation:* Approve employee salary and benefit adjustments for 2007/2008.

Background: This item has been placed on the Board of Directors agenda pending recommendations relative to employee salary and benefit adjustments.

Financial Impact: To be determined.

Reviewed By: This item is scheduled for action by the Board of Directors on April 4, 2007.

Responsible Staff: Tony Grasso, Executive Director

*

Approved
Board of Directors

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

BRD0704A-DRB
ISM07

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 34

Date: April 4, 2007

Subject: Executive Director Employment Contract Amendment

Recommendation:* Approve Amendment No. 1 to the Executive Director Employment Contract.

Background: This item has been placed on the SANBAG Board of Directors agenda pending recommendations relative to amendment to the Executive Director's employment contract.

Financial Impact: To be determined.

Reviewed By: This item will be reviewed by the Board of Directors on April 4, 2007

Responsible Staff: Supervisor Dennis Hansberger
SANBAG President

*

Approved
San Bernardino Associated Governments
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

AGENCY REPORTS

-
- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
 - San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies
-

APRIL COMMUTER RAIL REPORT

1. PATRONAGE

San Bernardino Line:

Ridership on the San Bernardino Line increased almost 2% from last month but was down almost 4% from the same month in 2006. So far, March patronage is even higher than February, currently averaging 12,505 passenger trips per weekday.

Saturday ridership was up significantly (+20%) from last month but down 4% from the same month last year. Preliminary March data is stronger than February with a current average of 3,718 passenger trips per Saturday.

Sunday ridership was up 10% from last month but was 14% lower than February 2006. As of mid-March, average Sunday ridership is 25% higher than February, currently at almost 2,000 passenger trips per Sunday.

Riverside-Ontario-Los Angeles Line:

Ridership on the Riverside Line jumped 18% from January and was up 55% from an unusually slow February 2006. A preview look at March 2007 ridership figures points to an even stronger month with a current average over 4,900 passenger trips per weekday.

Inland Empire-Orange County (IEOC) Line:

February average daily ridership on the IEOC Line increased just slightly (<1%) to post the second highest daily average ever for the second month in a row. At this point, March patronage is headed for a new record high with a current average of 4,781 passenger trips per weekday.

Total System:

System wide, average daily ridership increased more than 3% from January. February 2007 was 5% higher than February 2006. Preliminary data for March points to a possible record high month with a current average over 43,000 passenger trips per weekday.

Table 1

Average Weekday Daily Ridership*

	<u>San Bernardino</u>	<u>Riverside</u>	<u>IEOC</u>	<u>Systemwide</u>
February 2007	12,122	4,826	4,707	42,408
February 2006	12,593	3,111	4,575	40,266
% Change	- 3.7%	+ 55.1%	+ 2.9%	+ 5.3%

* Adjusted for Holidays

Table 2

Average Weekend Ridership

	<u>San Bernardino Saturday</u>	<u>San Bernardino Sunday</u>
February 2007	3,395	1,580
February 2006	3,529	1,835
% Change	- 3.8%	- 13.9%

2. ON-TIME PERFORMANCE (arrival within 5 minutes of scheduled time)

San Bernardino Line:

On-time performance worsened just slightly for the San Bernardino Line this month compared to last month. Inbound trains held steady at 97% on time while outbound trains dropped from 97% on time in January to 96% on time in February. Signals and communications caused fourteen of the thirty-one reported delays.

Riverside-Ontario-Los Angeles Line:

On-time performance results for the Riverside Line were worse for February than January. Inbound trains dropped three percentage points to finish 88% on time and outbound trains dropped four points to finish 80% on time. Of the thirty-eight reported delays, eighteen were caused by dispatching and another thirteen were due to signals and communications.

Inland Empire-Orange County (IEOC) Line:

On-time performance improved for the San Bernardino Line this month compared to last month. Southbound trains gained four percentage points and northbound trains held steady to finish February 94% and 95% on time, respectively. Dispatching caused ten of the twenty-six reported delays.

Table 3

On Time Performance

Percent of weekday trains arriving within 5 min. of scheduled time

(February 2007 vs. February 2006)

	<u>San Bernardino</u>		<u>Riverside</u>		<u>IEOC</u>	
	In	Out	In	Out	So.	No.
February 2007	97%	96%	88%	80%	94%	95%
February 2006	96%	97%	83%	67%	90%	89%



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

Members of the Governing Board:

March 7, 2007

Chairman
Dr. William A. Burke
Speaker of the Assembly
Appointee

To: Mayors and Councilmembers

Vice Chairman
S. Roy Wilson, Ed.D.
Supervisor, Fifth District
County of Riverside

From: **Dennis R. Yates, Mayor/City of Chino**
Cities of San Bernardino County
Board Member, South Coast AQMD

Dennis Yates

Michael D. Antonovich
Supervisor, Fifth District
County of Los Angeles

Attached are the agenda items and the voting outcome of the March 2, 2007 AQMD Governing Board meeting.

Bill Campbell
Supervisor, Third District
County of Orange

PUBLIC HEARING ITEMS APPROVED AT MARCH 2, 2007 BOARD MEETING

Jane W. Carney
Senate Rules Appointee

Amend Rule 1309.1 – Priority Reserve

Ronald O. Loveridge
Mayor, Riverside
Cities of Riverside County

Pursuant to the Board directive, staff is proposing additional criteria for Electrical Generating Facilities to qualify for access to credits in the Priority Reserve. (Review: Stationary Source Committee, January 26, 2007)

Gary C. Ovitt
Supervisor, Fourth District
County of San Bernardino

(This item was postponed; will be brought back to the Board at either the June 1 or July 13, 2007 Board meeting.)

Jan Perry
Councilmember, 9th District
Cities Representative
Los Angeles County/Western Region

Annual Report for 2006 on AB 2588 Air Toxics Hot Spots Program

Miguel A. Pulido
Mayor, Santa Ana
Cities of Orange County

The Air Toxics Hot Spots Information and Assessment Act of 1987 requires local air pollution districts to prepare an annual report. For 2006, AQMD staff: (1) reviewed ten facility health risk assessments and approved one risk reduction plan; (2) evaluated 48 facility-wide toxic inventories and requested updated HRAs for 13 facilities; (3) developed public notification procedures for emergency diesel internal combustion engines and the industry-wide categories of gasoline stations and perchloroethylene dry cleaners; (4) established perchloroethylene usage limits for dry cleaners to meet interim risk limits under Rule 1421; and (5) added health effects content and links, and other website enhancements to the AB 2588 website. (Reviewed: Stationary Source Committee, February 23, 2007)

Tonia Reyes Uranga
Councilmember, City of Long Beach
Cities of Los Angeles County/
Eastern Region

Cynthia Verdugo-Peralta
Governor's Appointee

Dennis R. Yates
Mayor, Chino
Cities of San Bernardino County

Majority Vote: 10 yes, 0 no, 2 absent

Annual RECLAIM Audit Report for 2005 Compliance Year

The annual report on the NOX and SOX RECLAIM program is prepared in accordance with Rule 2015 – Backstop Provisions. The report assesses emission reductions, average annual price and availability of RECLAIM Trading Credits (RTCs), job impacts, compliance issues, and other measures of performance for the twelfth year of this program. In addition, recent trends in trading future year RTCs are analyzed and presented in this report. Further, a list of facilities that were unable to reconcile their emissions for the compliance year is included with the report. (Review: Stationary Source Committee, February 23, 2007)

Majority Vote: 11 yes, 0 no, 1 absent

Approve and Adopt Technology Advancement Clean Fuels Program Annual Report and Plan Update

As a requirement of the Clean Fuels Program funding, the Technology Advancement Office must submit to the Legislative Analyst by March 31st of each year an approved Annual Report for the past year and a Plan Update for the current calendar year. Staff has reviewed the Clean Fuels Program with the Clean Fuels Advisory Group, the Technology Advancement Advisory Group, and other technical experts. Staff is submitting the Technology Advancement Clean Fuels Program Annual Report and Plan Update for Board approval. (Review: Technology Committee, February 23, 2007)

(This item was postponed to the April 6, 2007 Board meeting.)

PUBLIC HEARINGS SET FOR APRIL 6, 2007 BOARD MEETING

Amend Regulation IX – Standards of Performance for New Stationary Sources

U.S. EPA has authorized local air districts to directly implement federal standards set in 40 Code of Federal Regulations Part 60, Standards of Performance for New Stationary Sources (NSPS), and Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAPs). Periodic amendments to Regulations IX and X incorporate new or amended standards by reference. Eight actions by U.S. EPA in 2006 for NSPS are proposed for incorporation into Regulation IX. There were no actions regarding NESHAPs, Part 61, in 2006, therefore, amendments to Regulation X are not necessary. The NSPS actions cover: solid waste incineration units; gas turbines; electric utility steam generating units; industrial-commercial-institutional steam generating units; large municipal waste combustor units; combustion turbines; and stationary compression ignition internal combustion engines. (Review: Stationary Source Committee, February 23, 2007)

Amend Rules 2004, 2007 and 2010

Staff is proposing administrative amendments to three Regulation XX – Regional Clean Air Incentives Market (RECLAIM) rules. Proposed amendments to Rule 2004 would provide an exemption from submitting Quarterly Certification Emission Reports for facilities that do not have any NOX or SOX emitting equipment located on site. Proposed amendments to Rule 2007 would clarify trading requirements for foreign entities who are not residing or licensed to conduct business in California, and clarify reporting requirements for parties entering into a forward contract or a contingent right contract. Proposed amendments to Rule 2010 would specify liability for allocation violations when changes of ownership occur. Other minor administrative changes may be proposed to improve the clarity of these rules. (Review: Stationary Source Committee, February 23, 2007)

Please find enclosed the March issue of the *AQMD Advisor*.



REPORT: Mobile Source Air Pollution Reduction Review Committee (MSRC)

SUBMITTED BY: Gwenn Norton-Perry, SANBAG representative to the MSRC.

SYNOPSIS: Below is a summary of key issues addressed at the MSRC's regular February 15, 2007 meeting. The MSRC met on Thursday, March 15, 2007 and will meet again on April 19, 2007 at 2:00 p.m. in Room CC8 at the South Coast Air Quality Management District.

FOR MORE INFORMATION: call 909.396.3682 or go to www.cleantransportationfunding.org

Minutes

Minutes from the January 18, 2007 meeting were unanimously approved.

Release of Solicitations to Implement "Showcase Program" in Partnership with CARB

As part of its Phase I FY 2006-07 Work Program, the MSRC set aside \$1 million to implement an Off-Road Vehicle Diesel Emission Control System Demonstration Program. The "Showcase Program," which is in partnership with CARB, is intended to demonstrate currently verified on-road or new emission control systems on off-road construction equipment with the goal of earning CARB verification as well as achieve significant near-term emission reductions from off-road construction equipment. The MSRC unanimously approved the release of two solicitations to implement this Showcase Program. The RFQ (#Q2007-08) will qualify diesel emission control manufacturers, and the Program Announcement (#PA2007-11) will allow off-road fleets to participate in the demonstration program. The PA has an application period from April 3, 2007 through June 29, 2007, and the RFQ, March 2, 2007 through May 31, 2007. Eligible fleets will receive funding up to 100% of the cost of purchasing and installing the retrofit devices. Funding is limited to a maximum of \$200,000 per entity to ensure broad participation. Periodic device monitoring will be conducted by CARB at no cost to the participating construction equipment owner. CARB along with the MSRC will endeavor to match retrofit devices from manufacturers deemed qualified through the RFQ with owners and their off-road equipment. The AQMD Board will consider these solicitations at its March 2, 2007 Board meeting.

Contract Awards Providing Incentives for Transit Bus Engines Meeting 2010 Standards

Under the Phase I FY 2006-07 AB 2766 Discretionary Fund Work Program, the MSRC released a \$2 million Program Announcement (#PA2007-06) on October 6, 2006, providing incentives toward the purchase of advanced low-emission heavy-duty natural gas engines for urban transit bus operators. The Program provided \$20,000 on a first-come, first-served basis for bus engines certified to the 2007 optional 0.2 gram NOx per brake horsepower-hour standard, which will be the standard in 2010. Four applications were received by the PA closing date of January 19, 2007. At its February 15, 2007 meeting, the MSRC unanimously awarded full funding for the four applications totaling \$3.34 million (using \$2 million from funding originally allocated to this Program and an additional \$1.34 million in unallocated revenue), as follows:

- 1) \$420,000 to City of Los Angeles World Airports for up to 21 new natural gas shuttles;
- 2) \$2,040,000 to City of Los Angeles Department of Transportation for up to 102 new natural gas buses;
- 3) \$800,000 to Orange County Transportation Authority for up to 40 new natural gas buses; and
- 4) \$80,000 to Palos Verdes Transit up to 4 bus repowers.

The AQMD Board will consider these contract awards at its March 2, 2007 Board meeting.

Release of Program Announcement Providing Incentives for Refuse Hauler Engines Meeting 2010 Standards

Under the Phase II FY 2006-07 Work Program, the MSRC decided to expand the above program to offer incentives for refuse collection engines meeting the 2010 standard. At its February 15, 2007 meeting, the MSRC unanimously approved release of a Program Announcement (#PA2007-10) providing \$1.728 million towards the purchase or repower of advanced low-emission heavy-duty natural gas engines certified to the 2007 optional 0.2 gram NOx per brake horsepower hour standard for solid waste collection vehicle operators. The Program Announcement application period is April 3, 2007, through June 29, 2007. There is a geographic minimum of \$256,000 per county and funds will be awarded on a first-come, first-served basis. The AQMD Board will consider this solicitation at its March 2, 2007 Board meeting.

Contract Modification Requests

At its February 15, 2007 meeting, the MSRC considered two contract modification requests and took unanimous action, as follows:

1. For Los Angeles Department of Water & Power, Contract #PT05060, which provides \$2,244,000 for installation of 264 particulate reduction devices, approval of a six-month extension to the deadline for completing device installations; and
2. For City of Long Beach, Pending Contract #PT05058, which currently provides \$144,000 for installation of 8 particulate and NOx reductive devices, approval of a contract modification that: 1) finds installation of aftertreatment devices reducing both particulates and NOx is above and beyond regulation; 2) allows reimbursement of the incremental cost of the devices, calculated on a per-device basis as the actual installed cost of each device, not to exceed \$18,000, minus \$8,500, which is the cost of the mandated device; and 3) allows them to install 8 or more aftertreatment devices up to the original award of \$144,000.

Contracts Administrator's Report

The MSRC's AB 2766 Contracts Administrator provides a written status report on all open contracts from FY 2000-01 through the present.

COMMITTEE MEMBERSHIP ACRONYM LISTING

APPOINTING/ELECTING AUTHORITY	REGIONAL COUNCIL (12:00 noon)	POLICY COMMITTEES (RC Members Serve on One Each) (Subregional Appointments) (County Commissions Appoint One to TCC) (10:00 a.m.)		
		Community, Economic, and Human Development	Energy and Environment	Transportation and Communications
District 6 (Grand Terrace, Colton, Loma Linda, Redlands, Yucaipa)	L. Garcia			L. Garcia
District 7 (San Bernardino, Highland)	L. McCallon			
District 8 (Rialto, Fontana)	D. Robertson			
District 9 (Rancho Cucamonga, Upland, Montclair)	P. Eaton		P. Eaton	
District 10 (Chino, Chino Hills, Ontario)	A. Wapner			A. Wapner
District 11 (Barstow, Big Bear, Needles, Twentynine Palms, Yucca Valley)	L. Dale			L. Dale
District 65 (Adelanto, Apple Valley, Hesperia, Victorville)	T. Jasper			
San Bernardino County	G. Ovitt			G. Ovitt
SANBAG Subregional Appointees*		K. Chastain	J. Harrison	M. Nuaimi
*One appointee to each policy committee for a total of three appointees per subregion, plus one additional appointee for every SCAG District over three in the subregion. SANBAG has a total of seven subregional appointees to the policy committees.		Vacant (D. Williams) Vacant (L. McCallon)	P. Lilburn	Vacant (G. George)

Rules of Appointment

1. SANBAG policy stipulates that all SANBAG appointees be SANBAG Board Members.
2. SCAG President appoints Regional Council members to Standing and Policy Committees.

Terms of Appointment

Terms of appointment for Regional Council members representing odd numbered districts expire immediately following the SCAG General Assembly in April of odd numbered years. Terms of appointment for Regional Council members representing even numbered districts expire immediately following the SCAG General Assembly in May of even numbered years. SANBAG appointments to SCAG Policy Committees are for a term from May through the next regular SCAG general assembly of the following year.

Stipend

SCAG provides Regional Council members \$100 per day for a maximum of four meetings per month, plus mileage. A stipend for the fifth meeting per month may be received on approval by SCAG's Executive Director. SCAG also provides subregional appointees representing SANBAG on SCAG Policy Committees \$70 per meeting.

Meeting Information

The regular meetings of SCAG Regional Council, Standing Committees, and Policy Committees are on the first Thursday of each month at the SCAG Offices located at 818 W. Seventh Street, Los Angeles:

10:00 a.m., Policy Committees 12:00 noon, Regional Council

Policy Committees

Community, Economic, and Human Development: Provides policy recommendations to the Regional Council on subjects of housing, land use, resource, economic, community development, infrastructure, employment, and regional disaster preparedness issues. Reviews and recommends to the Planning Committee revisions to the Housing, Economy, Growth Management, Human Resources, and Finance Chapters of the Regional Comprehensive Plan and Guide.

Energy and Environment: Acts as the policy advisory committee to the Regional Council on environmental issues, including air and water, hazardous, solid waste management, natural resources conservation, and energy conservation. Reviews the Environmental Impact Report of the Regional Comprehensive Plan and Guide. Provides recommendations to the Planning Committee on state and federal legislative proposals and administrative guidelines affecting environmental quality, resource conservation,

Transportation and Communications: Acts as the policy advisory committee to the Regional Council on all regional matters pertaining to the movement of goods and people on land, water, and air. Reviews and recommends to the Regional Council all major utility development plans. Addresses the location, size, or capacity, timing, and impact of facilities.

SANBAG Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
Administrative Committee SANBAG President, Vice President, and Immediate Past President 3 East Valley (2 City, 1 County) 3 West Valley (2 City, 1 County) 3 Mt/Desert (2 City, 1 County) City members shall be SANBAG Board Members elected by caucus of city SANBAG Board Members within the subarea. Supervisors collectively select their representatives. The SANBAG Vice President shall serve as Chair of the Administrative Committee.	Makes recommendations to Board of Directors and: (1) Provides general policy oversight which spans the multiple program responsibilities of the organization and maintains the comprehensive organization integrity; (2) Provides policy direction with respect to administrative issues, policies, budget, finance, audit, and personnel issues for the organization; (3) Serves as policy review committee for any program area that lacks active policy committee oversight. Committee has authority to approve contracts of up to \$25,000 with Board of Directors ratification to follow.	Lawrence Dale, Barstow, Vice President (Chair) Dennis Hansberger, President (Vice Chair) Paul Biane, Past President Robert Christman, Loma Linda Kevin Cole, Twentynine Palms Bea Cortes, Grand Terrace Paul Eaton, Montclair Josie Gonzales, Supervisor Brad Mitzelfelt, Supervisor Gary Ovitt, Supervisor Gwenn Norton-Perry, Chino Hills Rick Roelle, Apple Valley	6/30/2007 6/30/2007 6/30/2007 12/31/2007 12/31/2008 12/31/2008 12/31/2008 12/31/2007 12/31/2007 12/31/2007 12/31/2007 12/31/2007 12/31/2007
Commuter Rail Committee Nine Valley-elected officials, four of who shall be the Southern California Regional Rail Authority primary (*) and alternate (**) members. The terms of appointments for SCRRA members and alternates shall be concurrent with their term on SCRRA. The four remaining members shall be SANBAG Board Members appointed by the SANBAG President for two-year terms.	Provides policy guidance and recommendations to the SANBAG Board of Directors and Southern California Regional Rail Authority delegates with respect to commuter rail service in San Bernardino County. * SCRRA Primary Member ** SCRRA Alternate Member	Pat Gilbreath, Redlands (Chair)** Lee Ann Garcia, Grand Terrace (Vice Chair) Kelly Chastain, Colton Robert Christman, Loma Linda Paul Eaton, Montclair * Pat Morris, San Bernardino* Diane Williams, Rancho Cucamonga** Vacant (Alan Wapner, Ontario) Vacant (Paul Biane)	Indeterminate (6/30/2007) 12/31/2006 (6/30/2007) 12/31/2007 12/31/2007 Indeterminate Indeterminate Indeterminate 12/31/2008 12/31/2006
Mountain/Desert Committee Membership consists of SANBAG Board Members from each Mountain/Desert jurisdiction and County Supervisors representing the First and Third Districts.	Provides ongoing policy level oversight related to the full array of SANBAG responsibilities as they pertain specifically to the Mountain/Desert subregion. The Committee also meets as the Mountain/Desert Measure 1 Committee as it carries out responsibilities for Measure 1 Mountain/Desert Expenditure Plan.	Rick Roelle, Apple Valley (Chair) Dennis Hansberger, Supervisor (Vice Chair) Kevin Cole, Twentynine Palms Lawrence Dale, Barstow Dennis Hansberger, Supervisor Bill Jahn, Big Bear Lake Mike Leonard, Hesperia Chad Mayes, Yucca Valley Brad Mitzelfelt, Supervisor Trinidad Perez, Adelanto Rick Roelle, Apple Valley Mike Rothschild, Victorville Rebecca Valentine, Needles	Indeterminate (6/30/2007) Indeterminate (6/30/2007) Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate

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Policy Committee Meeting Times

Administrative Committee
Commuter Rail Committee
Major Projects Committee
Mountain/Desert Committee
Plains & Programs Committee

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CAC	Call Answering Center
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CALTRANS	California Department of Transportation
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CHP	California Highway Patrol
CMAQ	Congestion Mitigation and Air Quality
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CSAC	California State Association of Counties
CTA	California Transit Association
CTAA	Community Transportation Association of America
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DMO	Data Management Office
DOT	Department of Transportation
E&H	Elderly and Handicapped
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
ETC	Employee Transportation Coordinator
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICMA	International City/County Management Association
ICTC	Interstate Clean Transportation Corridor
IEEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds
MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MIS	Major Investment Study
MOU	Memorandum of Understanding

SANBAG Acronym List

2 of 2

MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
MTP	Metropolitan Transportation Plan
NAT	Needles Area Transit
OA	Obligation Authority
OCTA	Orange County Transportation Authority
OWP	Overall Work Program
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PPM	Planning, Programming and Monitoring Funds
PSR	Project Study Report
PTA	Public Transportation Account
PVEA	Petroleum Violation Escrow Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
ROD	Record of Decision
RTAC	Regional Transportation Agencies' Coalition
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SANBAG	San Bernardino Associated Governments
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SED	Socioeconomic Data
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
SRTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 st Century
TIA	Traffic Impact Analysis
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TOC	Traffic Operations Center
TOPRS	Transit Operator Performance Reporting System
TSM	Transportation Systems Management
USFWS	United States Fish and Wildlife Service
UZAs	Urbanized Areas
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments

San Bernardino Associated Governments



MISSION STATEMENT

To enhance the quality of life for all residents, San Bernardino Associated Governments (SANBAG) will:

- Improve cooperative regional planning
- Develop an accessible, efficient, multi-modal transportation system
- Strengthen economic development efforts
- Exert leadership in creative problem solving

To successfully accomplish this mission, SANBAG will foster enhanced relationships among all of its stakeholders while adding to the value of local governments.

Approved June 2, 1993
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